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SESSION 1930

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1—THURSDAY, MARCH 20th, 1930.

Organization Meeting—Consideration given to the Order of Reference—
Additional Powers to be asked of the House—Order requesting
the Senate to appoint a Committee to act jointly with that already
chosen by this House—Canadian Legion, B.E.S.L.—Counsel—
Statement by the Minister, the Honourable J. H. King.

OTTAWA
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1930

Canada. Pensions and Returned Soldiers
" Problem, Special Cttee on, 1930



4437

ORDER OF REFERENCE

HOUSE OF COMMONS,

MONDAY, March 3, 1930.

Resolved,—That all matters connected with pensions and returned soldiers' problems be referred to a special committee consisting of Messrs. Adshead, Arthurs, Black (Yukon), Clark, Fiset, Gershaw, Hepburn, Isley, McGibbon, McIntosh, MacLaren, McPherson, McLean (Melfort), Manion, Power, Ross (Kingston), Sanderson, Speakman, Thorson, with power to call for persons, papers and records, to examine witnesses under oath, and that Standing Order 65 be suspended in relation thereto.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

THURSDAY, March 6, 1930.

Ordered,—That the following proposed motion, viz:—

That in the opinion of this House, any ex-soldier who has served in any theatre of war, who applies for a pension or an increase of pension and submits evidence or an opinion from any reputable physician or surgeon in Canada, stating that his disability is directly or indirectly attributable to war service, the onus of disproof shall be upon the Board of Pension Commissioners and that unless the same be disproved a pension shall be granted to the said applicant in accordance with the schedule at present in force under the regulations of the Board of Pension Commissioners.

and amendment, viz:—

That all the words after the word "House" in the second line be deleted and the following substituted therefor: "in all applications for pensions where disability or death is proved, such disability or death shall be presumed to have resulted from and to be attributable to military service unless and until the contrary be proved."

be referred to the Committee appointed to deal with all matters connected with Pensions and Returned Soldiers' Problems; and

That it be an instruction to the Committee that they have power to consider the advisability of giving discretionary powers to the Board of Pension Commissioners and the benefit of the doubt to the applicant for pension on the evidence adduced with respect thereto; and also to consider the advisability of applying the principles enunciated in the original motion and amendment.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

THURSDAY, March 20, 1930.

Ordered,—That the said Committee be given leave to report to the House, from time to time, upon matters referred to it.

That the said Committee be given leave to sit while the House is sitting.

That the said Committee be given leave to print such papers and evidence, from day to day, as may be ordered by the said Committee for the use of the said Committee and Members of the House, and that in relation thereto Standing Order 64 be suspended.

Attest.

(Sgd.) THOS. M. FRASER,
For Clerk of the House.

THURSDAY, March 20, 1930.

Ordered,—That Bill No. 19, An Act respecting War Veterans' Allowances, be referred to the said Committee.

Attest.

(Sgd.) THOS. M. FRASER,
For Clerk of the House.

THURSDAY, March 20, 1930.

Ordered,—That a Message be sent to the Senate informing their Honours that this House has appointed Messrs. Adshead, Arthurs, Black (Yukon), Clark, Fiset (Sir Eugene), Gershaw, Hepburn, Ilsley, McGibbon, McIntosh, MacLaren, McPherson, McLean (Melfort), Manion, Power, Ross (Kingston), Sanderson, Speakman, and Thorson, a committee to consider and, during the present session, to report upon matters referred to them relating to pensions and returned soldiers' problems, and requesting the Senate to appoint a committee to act jointly with that already chosen by this House.

Attest.

(Sgd.) THOS. M. FRASER,
For Clerk of the House.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

COMMITTEE ROOM 429,

THURSDAY, March 20, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met for Organization at 10.30 o'clock a.m.

Members present: Messrs. Adshead, Arthurs, Black (Yukon), Clark, Fiset (Sir Eugene), Gershaw, Hepburn, Ilsley, McIntosh, MacLaren, McPherson, McLean (Melfort), Manion, Power, Ross (Kingston City), Sanderson, Speakman, and Thorson—18.

The Hon. J. H. King, Minister, was also present.

In attendance: Mr. F. L. Barrow, representing the Dominion Executive Council of the Canadian Legion of the British Empire Service League.

The Committee having come to order, it was moved by Mr. Clark that Mr. Power be elected Chairman of the Committee. The motion was unanimously supported and declared carried. Mr. Power took the Chair.

The CHAIRMAN: I will ask the Secretary to read the orders of reference.

Mr. V. CLOUTIER (Clerk of the Committee): This order of reference is dated March 3, 1930, and is as follows:—

Resolved that all matters connected with pensions and returned soldiers' problems be referred to a special committee consisting of Messrs. Adshead, Arthurs, Black (Yukon), Clark, Fiset, Gershaw, Hepburn, Ilsley, McGibbon, McIntosh, MacLaren, McPherson, McLean (Melfort), Manion, Power, Ross (Kingston), Sanderson, Speakman, and Thorson, with power to call for persons, papers and records, to examine witnesses under oath, and that standing order 65 be suspended in relation thereto.

The next is Dr. McGibbon's resolution,—

That in the opinion of this House any ex-soldier who has served in any theatre of war, who applies for a pension or an increase of pension and submits evidence or an opinion from any reputable physician or surgeon in Canada, stating that his disability is directly or indirectly attributable to war service, the onus of this proof shall be upon the Board of Pension Commissioners, and that unless the same be disproved a pension shall be granted to the said applicant in accordance with the schedule at present in force under the regulations of the Board of Pension Commissioners.

And the amendment,—

That all the words after the word "House" in the second line be deleted and the following substituted therefor: "in all applications for pensions where disability or death is proved, such disability or death shall be presumed to have resulted from and to be attributable to military service unless and until the contrary be proved." be referred to the Committee appointed to deal with all matters connected with pensions and returned soldiers' problems; and

That it be an instruction to the Committee that they have power to consider the advisability of giving discretionary powers to the Board of Pension Commissioners and the benefit of the doubt to the applicant for pension on the evidence adduced with respect thereto; and also to consider the advisability of applying the principles enunciated in the original motion and amendment.

The CHAIRMAN: We are authorized to examine witnesses, and also to consider certain powers of the Pension Commissioners. We are not told to report to the House, and I wonder whether we should ask for that additional power. However, I suppose it is included; I say that, because the last time we had some trouble about the order of reference. Personally, I think we have power to report to the House.

Mr. MANION: Is it not a rule that all Committees must report to the House.

The CHAIRMAN: I think so.

Mr. ARTHURS: I move that this Committee obtain leave to report to the House from time to time upon matters referred to it; also leave to sit while the House is sitting; also leave to print such papers and evidence from day to day as may be ordered by the Committee for the use of the Committee and members of the House, and that in relation thereto, Standing Order 64 be suspended.

Motion agreed to.

Mr. ADSHEAD: I move that the Clerk be instructed to obtain, for the use of the Committee, copies of the Pensions Act; also copies of the Soldier Settlement Act; also copies of the Soldiers' Insurance Act, and also copies of the proceedings and evidence of the Special Committee on Pensions and Returned Soldiers' Problems of the session of 1928.

Motion agreed to.

The CHAIRMAN: There is a further motion that I think should be made, namely, that we should obtain leave to sit while the House is in session.

Mr. CLOUTIER (Clerk of the Committee): That is included in the first order.

The CHAIRMAN: Yes, that is right. That is the only one that might have been debatable. I do not suppose we can do very much this morning, but I see Mr. Barrow here, and he may have something to say.

Mr. F. L. BARROW: May I say that it is a great pleasure to find the personnel of this Committee practically the same as that of 1928. We have a number of resolutions and recommendations which we would like to bring before you, but let me say they are not formidable as they look. They are questions that are not purely legislative. I should like to suggest that this Committee should add the Returned Soldiers' Insurance Act to your request for papers.

The CHAIRMAN: Very well, we shall attend to that, and shall see that our order of reference is wide enough to cover proposed legislation on the Returned Soldiers' Insurance Act.

Mr. BARROW: You will be interested to know what we have done with the recommendations of 1928, and of what use they have been. Some of them have been very valuable and some have not worked out quite so well. The proposals I have in my hand will show you how we hope to have them amended again. These proposals, I must say, are of course subject to change or amendment. When the Committee desires to have them we are in a position to supply twenty copies, which will serve as a working basis.

The CHAIRMAN: Will you be prepared to go on with the witnesses next Tuesday?

Mr. BARROW: I think so, yes.

The CHAIRMAN: How about sitting at eleven o'clock?

Mr. SPEAKMAN: I think eleven o'clock would be all right.

Mr. ARTHURS: I would suggest that the various soldier bodies be represented, and that they be requested by the Chairman to avoid duplication in the witnesses they desire to hear. I would also say that matters that have been threshed out in previous committees, those of 1927 or 1928, should not be reheard, but that when such evidence is clearly before us, they should refer to it, rather than bring other witnesses along the same line.

Mr. BARROW: I think the various soldier organizations in Canada have united to appoint Colonel LaFleche as their official representative, in order to avoid duplication.

The CHAIRMAN: I would ask Dr. King to say a few words to the Committee.

The Hon. J. H. KING: I have very little to say to this Committee, except to state that you are here this morning at the bidding of the House of Commons. It is pleasing to me, and I think it must be pleasing to the members of the Committee, that we have practically the same Committee as we had in 1928. That is particularly fortunate in the discussion of soldiers' problems. True, there have been two additions to the Committee in the persons of Dr. Manion and Mr. McIntosh. It has been understood at all times that this Committee will hear evidence, and through the facilities placed at their disposal and the opportunities they have of obtaining evidence, that conclusions can be arrived at that could not be settled in the larger body of the House of Commons. To my mind, this is a very wise measure. Governments, from time to time, have proceeded, through the medium of special committees, to obtain a closer point of view.

It has been mentioned that you should have at your disposal some one who might draft the regulations and legislation you desire to bring into effect. The Chairman of your Committee has advised me that Colonel Biggar, who is well recognized as a draftsman, will be at the disposal of the Committee. It is the desire of the government that this Committee should have before it those witnesses who will be able to assist in the solving of problems that project themselves. The matter of pensions is one that in my opinion could not be properly discussed in the House of Commons, and must be done through a Committee. It is true the government has suggested legislation to the House of Commons, and they are asking that a bill known as the Veterans' Allowances Act should be given second reading, and then referred to this Committee. It was stated in the House of Commons a day or two ago that this legislation had arisen out of the recommendation of the Committee of 1928. In that committee it was felt that some provision should be made for that type of veteran who would not come within the provisions of our Pensions Act. Legislation has been presented which will make allowances to those who have become old, and have reached the age where they find it difficult to obtain employment, and who are suffering from disability not traceable to service.

I would ask that the Committee should consider this Bill carefully. A great deal of care has been given to its initiation, and the officers of the Department who have been working on this problem will be available to the Committee to explain those provisions, and what we think the bill will do.

I am pleased, and I think we are all pleased, that the soldier organizations have arranged for Colonel LaFleche to present their problems. That action on their part will facilitate the work of this Committee and, as Colonel Arthurs has said, will prevent duplication.

I have nothing further to say, Mr. Chairman, except that I hope I may be permitted to attend the Committee from time to time and to learn of the problem as you will learn it through your investigation.

Mr. CLARK: Could we have a resumé of the proposed amendments to the Pensions Act? I believe Mr. Barrow has some amendments from the Legion and other soldier organizations.

Mr. BARROW: I have them here; do you wish me to run through them?

Mr. CLARK: Could you give us a resumé of the conditions that have been experienced, if any? Is the Act perfect, or what do you suggest should be done to it?

The CHAIRMAN: Before we come to that may I say that I was particularly struck with something you said the other day in the House of Commons. It is not often I am affected that way, but there was a suggestion in your words, expressed in a rather vague way, that this Committee should try to co-operate with the Senate, and have a Joint Committee. I wonder if we should discuss that question. I must say that I have been thinking along those lines, and when General Clark made the suggestion it struck me as a subject we might discuss. I am not making the suggestion at all, but I would ask you if it is worth while discussing in this Committee.

Hon. Mr. MANION: When does the Senate meet again?

The CHAIRMAN: It is only a question as to whether we should work out any practical co-operation in that way.

Mr. CLARK: I think that is a proper procedure, because we hear the witnesses, and the Senate does not. In fact, they may hear contrary witnesses, and in many cases I think that is what happens. To my mind the only satisfactory solution is to have one Committee to deal finally with the subject by looking at it from the same point of view, and after hearing the same evidence. I am satisfied it is the only way we will ever dispose of the question satisfactorily.

Mr. ARTHURS: In the past the Senate has requested the House of Commons to attend the various Committees over there; I have particular reference to the Divorce Committee. We might follow that rule, and request the Senate to send two or three members who would be interested in these problems, if they do not feel inclined to agree to a Joint Committee. Those two or three member could make statements when the matters discussed here come up before the Senate.

The CHAIRMAN: I think that is a good suggestion, but I do not know whether they would accept it or not.

Mr. ARTHURS: It would be quite feasible.

The CHAIRMAN: I cannot remember any joint special committees of both Houses since it has been my privilege to sit in the House.

Mr. BLACK (Yukon): There was one on the Railways Act some years ago.

The CHAIRMAN: How did it work out?

Mr. BLACK (Yukon): It worked out very well; I think it is the only reasonable way to discuss it.

Mr. MACLAREN: There is not very much difference between a Joint Special Committee and a Joint Standing Committee, and we have the Joint Standing Committees. I think if one is practicable, the other would be.

Hon. Mr. MANION: Would it not be a proper thing to do to suggest to the House of Commons that it should invite two or three Senators?

The CHAIRMAN: We would have to cover it by a motion.

Mr. CLARK: Could we not have a motion and present it as our first report, saying that this Committee recommends that the government should approach the Senate?

The CHAIRMAN: What do you think about it, Mr. Barrow? What would the Legion say to that?

Mr. BARROW: I think it would be a good idea, sir. There are two features involved in our procedure: one is to get the work done, and the other is to give the men who will reap the benefit some confidence in our work. I believe that

every returned soldier in this Dominion had confidence in the Committee of 1928, and he knew that the Committee tackled each problem sincerely and fairly. We, in Ottawa, know of the hard work performed by the Committee. They worked long hours, and also much was accomplished in the privacy of members' rooms. We have vivid recollection of the delegation from the House of Commons Committee which went to the Senate Committee and supported our cause. It seems to me that one of the difficulties with the process of getting legislation through the Senate may be that there is not sufficient time for the members of the last mentioned body to study and understand our proposals.

Mr. SANDERSON: The report of the Committee is too late, and the lengthy deliberations of the Committee could not be matched in the Senate. They may hear odd remarks from various witnesses which would not give them a complete understanding of the matter in hand. I think the Legion would welcome the idea of a Joint Committee. Such action would no doubt result in the Senate subscribing to the recommendations of the Special Committee.

Mr. ARTHURS: I move that the Chairman negotiate, either through the government or directly with the Senate, for the purpose of forming a Joint Committee; or, that we request the Senate to send certain of their members here to hear evidence, as a sub-committee of the Senate.

Hon. Mr. MANION: Make a motion that there be a report to the House.

The CHAIRMAN: To make a special report to the House, in an informal way.

Mr. ARTHURS: I think the Senate should have two options.

The CHAIRMAN: No, I would not give them the option.

Sir EUGENE Fiset: I would suggest that the usual procedure for the appointment of a Joint Committee be followed.

The CHAIRMAN: That will delay us for a few days. But, could we not go ahead and hear some witnesses, on the assumption that they will come, anyway.

Sir EUGENE Fiset: They are very sensitive; perhaps we had better take the proper steps.

The CHAIRMAN: We cannot find out anything until the 25th, when the Senate resumes sittings.

Mr. CLARK: But there are certain things we could deal with before we have occasion to call evidence.

Mr. SPEAKMAN: I think we should meet before that. We can deal with the appointment of small sub-committees. One in particular should be appointed at once to consider the evidence to be heard, and the procedure, generally. We have followed that procedure in former years. It would enable us to present a proper agenda each week.

Mr. ARTHURS: It would not work out if we had a joint committee.

The CHAIRMAN: I think I see the objection; if we had everything cut and dried, they might object.

Mr. HEPBURN: The Senate leaders are in the House, are they not? If a formal request were sent from the Commons to the Senate the leaders of that body might take some action. They could have their motion ready when the Senate resumed.

The CHAIRMAN: My opinion is that nothing can be done until the Senate, in its own good time, decides to do something. That may be any time next week.

Mr. BARROW: May I offer the suggestion that in the event of meeting next Tuesday you might consider some matters not related to pensions? The subject of pensions, I presume, is the important matter, but there are some side issues which might be dealt with.

The CHAIRMAN: I think we had better consider the whole thing before the Joint Committee—pensions, soldiers' allowances, Doctor McGibbon's resolution, and all other matters. The Doctor's resolution, to my mind, should be dealt with the first, because it involves the fundamental principle of the Pensions Act.

Mr. CLARK: I was going to suggest that, when I got on my feet. I consider any desirable amendments to Pensions Act should have our first consideration, because we had the evidence before us in 1928. We will not require very much fresh evidence; all we need is to have it pointed out to us. That is why I asked Mr. Barrow if his department had any suggestions to make in regard to amendments to the Pensions Act. If we could have a brief statement outlining the points wherein our amendments have failed to meet the situations we had in mind, we might accomplish something. One definite thing dealt with by this Committee has been to secure for the soldier the benefit of the doubt. We have recommended it to Parliament several times, and have never secured our objective. To my mind that is the vital consideration for this Committee, and a definite point from which we should start. When we settle the point as to what we are going to do for the men who are suffering disabilities attributable to war, we can go on from that point and deal with cases which can not be placed in that category of attributability. That is the only logical way to deal with it.

The CHAIRMAN: I agree with you entirely. There is no use discussing amendments to the different sections of the Act if this principle is not adopted, or if something is not done along the lines of giving the soldier the benefit of the doubt, as far as we can reasonably do so. There is no use saying that children will get such and such a pension, or that we will deal with such a phase of disease or diagnosis unless we lay down definitely what instruction shall be given to the Pensions Board in dealing with evidence. That is my opinion, and I feel very strongly upon it. Let us have witnesses who will tell us how it has worked out up to the present. We all know that it has not worked out in a satisfactory manner in all cases. We might go farther and admit that we have done as much as we can, and have allotted pensions as widely as we can, based on the principle that the soldier must give absolute proof.

Mr. CLARK: We can go as far as we like, but if the proof is not admitted to be proof we can do nothing. We have to find some way to have the evidence presented in a more personal manner. The Pensions Board will have to hear the evidence in a more direct way—not 3,000 miles away. They will have to have closer investigation, and, as I said, the soldier should be given the benefit of the doubt.

The CHAIRMAN: Your remarks contain another good suggestion. The people who see the soldier are not permitted by law to arrive at a decision as to his disability, but the people who do not see him may do so. That seems to be a wrong procedure, and if we settle that question it would change the situation considerably. Let us ask the Legion to deal first with the question of the onus of proof.

Mr. BLACK (Yukon): We have heard all of that before.

Mr. CLARK: Personally, I am ready to discuss the Pensions Act. We could have someone to analyze the evidence, and put it before us so that we would be in a position to turn it up.

Mr. ADSHEAD: I think we need the Legion's statements because they have some ideas wherein the Pensions Act has failed, or where sections of it have failed in application.

The CHAIRMAN: We can get the Legion's viewpoint on it, and then proceed with the discussion.

Mr. SPEAKMAN: It is very much a matter of drafting. The Act, itself, does not enter into it.

Mr. CLARK: I have another idea; I do not know whether it is practicable or not, but I have heard it said all over the country that the soldiers' organizations do not truly represent the full body of soldiers. Understand, I am not reflecting upon the soldiers' organizations. We must remember that the membership in those organizations is between 75,000 and 80,000, and that out of that membership very few are really active. As in the case of all organizations, it is the executive which really functions. I am not blaming the Legion, but we might have had greater assistance from the soldiers themselves had there been some one associated with those giving evidence to give us concrete suggestions in the way of drafted sections to meet the specific points. I think the department has failed in the respect that it has not obtained help from the group that knows best the nature of conditions. Take the case of the Pensions Board; they know better than any other group in Canada, what these difficulties are. We have sat here, year after year, and if anybody can recall constructive suggestions as to the way in which these difficulties should be met by legislation, I must confess I cannot recall them. In fact, I remember one occasion when the Deputy Minister of Justice advised us that certain sections we wanted to incorporate in the Act could not legally be drafted. We did it, ourselves. Goodness knows we are not supposed to be a drafting committee. It might be well if we could work out some way to bring in counsel to represent the unorganized body. After all, if we have someone here to represent the organized body of 75,000 members, let us have counsel, some well recognized man of ability, to help organize this thing and put it into shape from a legal point of view. He might be in a position to meet the difficulties we failed to meet. Probably we might select someone to represent the group I have mentioned.

The CHAIRMAN: I have asked the Government to put the services of Colonel Biggar as our disposal for that very purpose. He will ascertain from the discussions what is in the minds of the Committee, and find just what principle the Committee is trying to arrive at. Last year, he acted in that capacity for the Committee on elections, and after listening to our discussions he would make a draft, and if it did not suit, he would make another one. But that does not meet the suggestion made by General Clark. As I understand it, he would like to have some outstanding man to represent the soldiers, rather than the Committee.

Mr. CLARK: That is it exactly.

The CHAIRMAN: We can say to Colonel Biggar, "This is the decision we have arrived at; please draft it into conceivable legislation." The man representing the soldiers, however, might have entirely different views from the members of the Committee. Probably someone would suggest an outstanding man who has experience in drafting legislation, because all of us who happen to be lawyers know that a man might be a very good lawyer but be rather hazy on the drafting of legislation.

Mr. BLACK (Yukon): There is a lawyer in the House of Commons for that very purpose.

Mr. MACLAREN: How will he represent the views of the unorganized soldiers? How will he ascertain their views so as to help this Committee?

Mr. ADSHEAD: My opinion is that the problems of unorganized soldiers are very much the same as those of the Canadian Legion.

Hon. Mr. KING: General Clark has suggested a measure, which in his opinion is a fair one. You will remember that in 1927 we had about 130 resolutions. We took a year to consider those resolutions in the department, and brought amendments to the Committee which were not accepted. We were told we were out of step. I may say that this year two of the members of the

Pensions Board have prepared amendments which they would submit to the Committee. We are quite in line with General Clark's idea in regard to bringing anyone that he might suggest.

Mr. CLARK: Dr. King, excuse me for interrupting, but I recollect those amendments fairly well, and they were not considered by the Committee.

Hon. Mr. KING: Yes, they were considered.

Mr. CLARK: But they did not go to the fundamental difficulties at all. They were chiefly questions of procedure and routine matters and did not go to the fundamental difficulties we are experiencing.

Hon. Mr. KING: That may be true, but did the Committee go to the fundamental principles in the end?

Mr. CLARK: We tried to. But in my opinion there is no co-ordination between the Pensions Board and this Committee in solving the common difficulties we are experiencing.

The CHAIRMAN: They take a different attitude. After all, we have to allow for their attitude. Colonel Thompson takes the attitude that he is there to administer the law as it is laid down by Parliament, and that it is not part of his duty to make the law. That is his position, rightly or wrongly.

Sir EUGENE Fiset: That is the impression he left on the Committee on the last occasion.

Hon. Mr. KING: I may say that we asked the Pensions Board to make suggestions as to amendments, and as the Chairman has said, Colonel Thompson took the position that he was there to administer the Act, and that it was the duty of the government or Parliament to make the legislation. Two of the Commissioners have prepared certain suggestions which they will submit to you in connection with matters that have come to their attention from the various soldier organizations. You will have those matters before you.

Mr. ADSHEAD: They refused last year. I remember when we asked Colonel Thompson what suggestions he would make, he replied that it was not his business to make any.

Mr. ARTHURS: It will be very unfortunate, indeed, if the impression should go out, arising from our discussion this morning, that it is necessary to appoint counsel in addition to that retained by the soldier organizations. After all, the various soldier bodies are not only working for the members of their organizations, but are working for the whole soldier community.

Mr. MCPHERSON: We all know the legislation has to be remedied, if possible. The counsel to which I thought you had reference was not so much to represent the soldiers' claims that were put before us so ably in the session of 1928, but an outstanding counsel for the purpose of drafting legislation along the lines the Committee would want it drafted after it has heard the additional evidence to be called at this session. For that reason we want the best man to be had in the Dominion.

The CHAIRMAN: The question before us is as to whether we should place at the disposal of the Legion or the soldier bodies counsel who will represent their views and put them in concrete form, with the necessary legal phraseology. I think we could ask the House for permission to do that, or recommend to the government the payment of fees for the counsel chosen by the Legion.

Mr. HEPBURN: We would make a serious mistake to distinguish between returned soldier organizations and unorganized returned soldiers. I know that all the men in our district have confidence in the Legion. They deal not only with returned soldiers' problems, but with unemployment as it applies to the returned men.

Mr. SPEAKMAN: There is another difficulty, as I see it. It is impossible for any man to represent their views, because there would be no basis of representation. All he could do would be to state his definite ideas as to what he thinks. I think the Legion is better qualified to do that.

Mr. ADSHEAD: What is Colonel Biggar for? Why should we get a special counsel for the soldiers to formulate legal phraseology.

The CHAIRMAN: There is a distinction in my mind in the clause asked for by the Legion, and the clause which will finally be accepted by members of this Committee. They need not necessarily be identical when you come to put them in legislative form.

Mr. MCPHERSON: If the Legion representatives who, I understand, are representatives of the organized soldiers, want assistance by way of counsel, it will be furnished them by the government on recommendation of this Committee, when they ask for it.

Mr. HEPBURN: That request should come from the Legion.

Mr. CLARK: I have in mind that the organization should come here with some concrete suggestion. We have in the past failed to get into concrete form on the statute what we desired. We may have had it in some form, but have not accomplished the desired purpose. My idea would be that the Legion should be represented by the best counsel that can be secured and that the whole body of soldiers organized or unorganized, should be represented by that counsel. He should collaborate with the witnesses and prepare the case for presentation before this committee. He would be a co-ordinating influence between these groups in placing the proper evidence before the Committee so that we will be able to definitely understand it.

Sir EUGENE Fiset: Surely Colonel Biggar could assist; he drafts other legislation.

Mr. McLEAN (Melfort): Two years ago there was no difficulty. We had plenty of well-prepared evidence put before us. I do not think anybody should speak of the Legion in respect to not submitting the information but the trouble with which the Committee was faced was drafting their report. I was not on that Committee so I do not pretend to appreciate all the difficulties, but I was on a subcommittee that had to deal with a simple matter on which every member of that subcommittee was agreed. My experience has been that we have had legal experience and time after time the final report was agreed upon as just what we wanted. It was submitted to the House and the legal minds there could not agree what the draft meant. It was sent back to the subcommittee again and it took three or four conferences before the legal gentlemen in the House could agree with what had been done. I am not objecting to having counsel engaged in the preparation of the report and for consultation on legal matters. In that clause to which I have referred—it was very short only a few lines and contained possibly five or six words of value—there has been a great deal of friction in giving effect to it. This has been due to the fact that a good deal of doubt exists as to its interpretation and I would impress upon the Committee as strongly as I can the desirability of drafting the report clearly. I do not wish to cast any reflection at all upon the officers of the Legion, but they are not always men having trained legal minds. I would, therefore, suggest that this Committee offer to the Legion the services of the best legal mind we can secure in the Dominion of Canada for drafting and presenting their case, and by so doing he will help the Committee.

Mr. HEPBURN: If we do this, is it the intention to leave the doors wide open for the returned men to present all matters?

The CHAIRMAN: Surely there would be no objection, if the Committee pay the counsel. If we employ counsel on behalf of the Legion, they would not object to that.

Mr. BARROW: Mr. Chairman, I wish to say with regard to the retaining of counsel, the Canadian Service Bureau does not represent all the returned men. Its membership is necessarily limited, and it would be impossible to enlist in its ranks every returned man. However, so far as the matter of pensions is concerned, the Canadian Legion represents every returned man whether organized or unorganized. The Canadian Service Bureau has always been available to applicants throughout the Dominion and, for that matter, from any part of the world. No change has ever been made in that respect and the question is never asked whether an applicant is or is not a member of the Legion. For that reason the Legion represents every returned man on the questions of pensions, soldiers' settlement and a dozen other matters which may effect the returned soldier. In Ottawa, we maintain that the Legion's Service Bureau is the proper channel through which all grievances of the returned man can be voiced. The unorganized man put his claim before the Government and perhaps is turned down. He cannot judge what the difficulties are or what the remedies may be, but the Legion bureau is available and we are able to investigate his case and ascertain its weakness or otherwise.

Mr. ADSHEAD: Mr. Barrow, have you ever known of anybody, organized or unorganized, that have not come before you as an organization?

Mr. BARROW: I think some unorganized men may have problems which the Legion member does not have.

Mr. GERSHAW: Mr. Chairman, with regard to the unorganized soldier, he practically always applies to the Legion for advice and assistance regarding pension matters. I know a great many of these officers, many of whom are lawyers and have had a lot of experience with pensions and interpreting the Pensions Act. I can hardly imagine how anyone could be more fitted to present their side of the case than those men, who for years have made a special study of this problem. In my opinion, these men with the assistance of Colonel Biggar ought to be able to present the case in concrete form.

Mr. MACLAREN: Colonel Biggar is employed by the Elections Committee simply as electoral officer. It seems to me if this Committee can arrive at a conclusion as to what it desires in the way of amendments to the Pensions Act, that the putting of those amendments in the shape of legislation can be done by an officer of the department. The departments of the government are bristling with legal advisers; you have them for the House of Commons drafting and putting into shape all legislation submitted to them. There are many officers specially paid to draft legislation on all matters for the House of Commons.

Mr. SPEAKMAN: We have available paid representatives who can be used by this Committee or any other committee.

The CHAIRMAN: We should have one man retained who will be at our disposal for the special purpose of drafting this legislation. I attempted to do this myself last year but I must confess my effort was not very satisfactory.

Mr. MCPHERSON: Could we make use of the departmental advisers without authority?

The CHAIRMAN: We did, and we did not have any authority.

Mr. MCPHERSON: I think the criticism of the returned men on certain points has not been covered by legislation, and my own idea would be to give every possible advantage to them in order that they may have their case satisfactorily prepared. I feel the returned men should have the privilege of naming their own counsel so that they will feel satisfied.

Mr. SPEAKMAN: Colonel Biggar would be quite satisfactory.

Mr. CLARK: Mr. Chairman, I have not changed my opinion on this question. I wish to state it again. The Legion has a certain membership that unquestionably, in the main, represents the difficulties of the soldier. There is no question about that at all, and no one for one moment would suggest that any soldier is not free to go to the Legion for assistance. I can bear testimony to that, and I know that the Legion will fight his case regardless whether he is a member or not. I have not forgotten, however, the large amount of time and expense wasted by this Committee last year. I am satisfied that if we organize properly, we can avoid wasting time and money this year.

In regard to what has been said I would agree that Colonel Biggar should be retained as the legal adviser to draft this legislation, and in addition I think the Legion would be well advised if there was another counsel to prepare and draft the case on their behalf. Officers of the Legion have had considerable experience dealing with soldier problems but they have not been represented by counsel nor by anyone experienced in presenting problems to a judicial body. This Committee is a semi-judicial body, and on all legislative matters coming before the House, whether private or otherwise, I am of the opinion the case should be presented by counsel. I recall in other matters, for example Church Union, every side was represented by counsel and on every important matter with which Parliament has had to deal the different sides have been represented by counsel and their case properly organized. A year ago when the Sun Life Assurance Company had a matter before Parliament, and the handling of that case was taken from counsel, great difficulty arose in its presentation. I would refer to matters under the Banking Act or anything you wish to name, it is presented in much better form if the case is conducted by counsel. I am of the opinion that if the Legion is informed that counsel will be available for the presentation of their case before this Committee, they will endorse it. I believe we will save time and expense and possibly not be forced to come back here next year to do this thing over again.

Mr. ARTHURS: Mr. Chairman, I have no objection to this suggestion. When I spoke on this subject at first I recommended two counsel, one for the unorganized soldiers and one for the Legion. I may have been wrong in making that suggestion and I am quite willing to admit that one counsel could handle this case for all returned men.

The CHAIRMAN: Is it the opinion of the Committee that we advise the Legion that they may have counsel and that we will pay his fee?

Mr. McLEAN (Melfort): I do not consider this is limited to organization, it is a matter of recording the verdict of this Committee so that the House will enact legislation on that basis. I think if the Legion is offered counsel and chooses to avail itself of that privilege the best man that can be obtained should be engaged. His services will not only assist the Committee and the house, but also the returned men all over the country. If we do that, the Legion will feel that their organization has been given every assistance and that finally something will be done that is not open to misinterpretation.

Mr. McINTOSH: Just who is going to represent the Legion; they have men at the head of their organization who deal with matters all over Canada. How are you going to get all the evidence through one man?

The CHAIRMAN: I think the Legion can be trusted to gather all the evidence.

Mr. HEPBURN: If the Legion does not follow this suggestion what will be the result?

The CHAIRMAN: We will leave that to them.

Sir EUGENE Fiset: Then, Mr. Chairman, we will have two counsel, one acting for the Committee and one representing the Legion. If it so happens the Legion does not accept the offer, only one man will act.

The CHAIRMAN: The acceptance is a matter entirely with the Legion. I think it should be distinctly understood that the Legion shall suit themselves; and if they do not want counsel they will not be obliged to have him. For the time being perhaps a formal motion should not be adopted but the Legion should understand if they do decide to take advantage of this offer, some member of the Committee at a later date will move that counsel be appointed, and his fees paid by the Committee.

Hon. Mr. KING: Mr. Chairman, the other day in answering a question put by my hon. friend, Mr. McQuarrie, I feel that I fell into a trap when I stated all returned men would be permitted to present their grievances before this Committee. That, it will be readily understood, would be an impossibility, but my idea of the matter is that if it is the presentation of a case that affects a group, then the Committee will hear that evidence. I hope to withdraw my statement in that connection and thereby relieve the Committee of being burdened with innumerable individual cases.

Mr. SPEAKMAN: I do not think that the Committee wants to be placed in the position of a Court of Appeal.

The CHAIRMAN: I consider it is very important that the Committee make a public announcement to the effect that it does not intend to act as a Court of Appeal. I do not know just how much evidence the Committee will hear, but in any event there will be a vast amount. We ought to clearly state, through the medium of the press, that this Committee is not a Court of Appeal for the purpose of dealing with the cases of individual returned men. Parliament has not authorized it, nor does it intend that we shall be an appeal tribunal. Our instructions are to make recommendations with a view to modifying or amending the act in order to render justice to the returned soldiers generally, not to deal with the individual grievance. If that meets with the views of the Committee we ought to so state it.

General Fiset: It is understood that nothing will be done by this Committee until we have decided to have a meeting of the Joint Committee of the Senate and the House of Commons, and, Mr. Chairman, you are to take the necessary action to bring that matter to the fore.

Hon. Mr. MANION: I understand that the Senate meets on the 25th. Why not, as a simple act of courtesy to the Senate, meet on Thursday instead of Tuesday?

The CHAIRMAN: Very well. We will say that we will meet on Thursday.

Hon. Mr. MANION: That gives them a chance anyway. Let them know that we have held over for that purpose.

The CHAIRMAN: We will have to report to Parliament and ask Parliament, by way of an address to the Senate—I suppose that is the proper procedure—to ask them to join us in our deliberations.

General Fiset: I think the Clerk of the House could communicate, and the Minister, or the Prime Minister will take the necessary steps.

The Committee adjourned until Thursday, March 27th, at 11 a.m.

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*Canada Pension and Returned Soldiers
Problems, Special Committee, 1930*

SESSION 1930

HOUSE OF COMMONS

GOVT PUBNS

SPECIAL COMMITTEE

ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2—THURSDAY, MARCH 27th, 1930

Representations:—General Sir Arthur W. Currie, G.C.M.G., K.C.B., LL.D.,
Lieut.-Colonel L. R. LaFlèche, D.S.O., A.D.C.; and twenty-one
other Representatives of Various Ex-Soldiers' Organizations

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,
COMMITTEE ROOM 277,
THURSDAY, March 27, 1930.

MORNING SITTING

The Special Committee on Pensions and Returned Soldiers' Problems met at 11.00 o'clock a.m., the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Arthurs, Black (Yukon), Clark, Fiset (Sir Eugene), Gershaw, Ilsley, McGibbon, McIntosh, MacLaren, McPherson, McLean (Melfort), Manion, Power, Ross (Kingston City), Sanderson, Speakman, and Thorson—18.

Honourable Senators present: Messrs. Black, Gillis, Graham, Griesbach, Lewis, Macdonell, MacArthur, and White (Pembroke).

In attendance: General Sir Arthur Currie, Lt.-Col. L. R. LaFlèche, and many representatives of the Dominion Executive Council, Canadian Legion of the British Empire Service League, Army and Navy Veterans in Canada, Amputations' Association of the Great War, Sir Arthur Pearson Club of Blinded Soldiers and Sailors, Canadian Pensioners' Association, and also representatives of Provincial Commands of the Canadian Legion, B.E.S.L.

The Chairman read the Message of the House dated the 20th of March, requesting the Senate to appoint a Committee to act jointly with that already chosen by this House. And also, the Message of the Senate informing this House that the Senate does not deem it opportune to appoint a special committee to act jointly with a similar special committee of the House of Commons, for the reason that they could not participate in the final decisions of that Committee. . . . The Senate has agreed upon the names of the Senators who will later be asked to form the special committee to whom will be referred whatever legislation in this connection may reach the Chamber. They are:—

The Honourable Senators Belcourt, Black, Béland, Blondin, Buchanan, Gillis, Graham, Griesbach, Hatfield, Laird, Lewis, Macdonell, MacArthur, Rankin, Taylor, and White (Pembroke).

The Committee at this stage of the proceedings found it necessary to secure a larger Committee Room and reassembled in the Railway Committee Room.

The Chairman called General Sir Arthur Currie to express his views to the Committee. *See Minutes of Evidence.*

Lt.-Col. L. R. LaFlèche, on being called, briefly informed the Committee that all the ex-soldiers' organizations in Canada had agreed upon the representations to be made to the Committee.

Colonel W. C. H. Wood, President, Army and Navy Veterans in Canada, of Quebec, and Captain the Reverend Sydney Lambert, President, Amputations' Association of the Great War, also expressed their views concerning soldiers' problems. *See Minutes of Evidence.*

The Committee then adjourned until 4 o'clock p.m.

AFTERNOON SITTING

The Committee met at 4 o'clock, the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Arthurs, Black (Yukon), Fiset (Sir Eugene), Gershaw, Ilsley, McGibbon, McIntosh, MacLaren, McPherson, McLean (Melfort), Manion, Power, Ross (Kingston City), Sanderson, Speakman, and Thorson—17.

Honourable Senators present: Messrs. Graham, Griesbach, and others.

The following representatives of ex-soldiers' organizations were asked to express their views:—

Frank J. G. McDonagh, President, Canadian Pensioners' Association, of Toronto.

Captain E. A. Baker of the Sir Arthur Pearson Club of Blinded Soldiers and Sailors, of Toronto.

Major John S. Roper, M.C., K.C., Dominion 1st Vice-President, Canadian Legion, of Halifax.

Brig.-General A. Ross, C.M.G., D.S.O., Dominion 2nd Vice-President, Canadian Legion, of Yorkton, Sask.

Richard Myers, the Amputations' Association, of Toronto.

Major Brown-Wilkinson, representing the Army and Navy Veterans in Canada.

A. E. Moore, Dominion Chairman, Canadian Legion, of Winnipeg.

E. W. Cornell, Dominion Vice-Chairman, Canadian Legion, of London, Ont.

Charles Brown, representing Amputations' Association, of Toronto.

Major Norman D. Dingle, representing the Imperial Veterans Section, Canadian Legion, of Calgary.

Elie E. Spencer, representing the Manitoba Command, Canadian Legion, of Morden, Manitoba. (Legal Counsel.)

Lt.-Col. C. H. Ackerman, President, Ontario Provincial Command, Canadian Legion, of Peterborough.

Arthur Wakelyn, representing the Alberta Provincial Command, of Calgary.

Dr. R. B. Peat, representing the New Brunswick Provincial Command, of Saint John.

Harry Bray, representing the Toronto District Command, of Toronto.

James J. Leightizer, representing Prince Edward Island Provincial Command, of Charlottetown.

Captain C. P. Gilman, M.C., representing Tuberculous Veterans' Section, Canadian Legion, of Ottawa.

M. McIntyre Hood, Member Ontario Provincial Command, Canadian Legion, of Oshawa.

J. R. Bowler, General Secretary, Canadian Legion, of Ottawa. *See Minutes of Evidence.*

Captain Gilman and Mr. Bowler read resolutions which are contained in the Minutes of Evidence.

Dr. R. B. Peat's statement of percentages will possibly appear in No. 3 Proceedings.

The Committee then adjourned until to-morrow.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

COMMITTEE ROOM 277,

THURSDAY, March 27, 1930.

MORNING SITTING

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Chairman, Mr. C. G. Power, presiding.

The CHAIRMAN: Sir Arthur, we have asked you to come here in order to express your views to this Committee on the problem which confronts us, that of dealing fairly with the returned soldiers. We should like, specially, to ask you to give us your opinion on any legislation which might be framed for the purpose of permitting the onus of proof of weight of evidence to be placed in such a way that the returned soldier, in presenting his case for pension, will have a better opportunity than he has at the present time.

The members of the Committee are no doubt well acquainted with the fact that Sir Arthur Currie holds the position of Grand President of the Legion and Commander in Chief of the Canadian Corps.

Sir ARTHUR W. CURRIE, G.C.M.G., K.C.B., LL.D.: Mr. Chairman and gentlemen, I should like, in the first place, to express my appreciation for the opportunity of appearing on behalf of the returned soldiers and all veteran organizations, and as a citizen of Canada, before this Parliamentary Committee. At the same time, I should like to acknowledge gratefully the kind consideration that has been given by previous parliamentary committees to all matters referred to them affecting the interests and welfare of the veterans of the Great War. I, for one, regret, and I know that you do, that more than eleven years after the close of the war there still remains the necessity for further consideration of these problems; and as to the urgent necessity for further consideration, to my mind there can be no doubt. It arises from a belief which, I am sure, is worthy of notice, that the intentions of the people of this country with reference to their fellow citizens who served in the Great War, are not being fulfilled as they should be. I cannot impress upon you too emphatically that that feeling does prevail. I know that all of you are conscious of it, because I am sure that every member of the House has had it impressed upon him, personally, many times. It exists in veterans' organizations, and many private citizens have told me the same. Only last evening a private citizen in Toronto told me that yesterday afternoon he had eleven men appear before him, in the justice of whose pleas he felt there was reason.

My excuse for asking to be heard before you is this, that I am profoundly interested, as I know you are, in the welfare of all those with whom I was so intimately associated in the days of the Great War. I claim to know these men well, because it was my good fortune to serve in the front line areas, the battle areas, from the time the First Canadian Division went to France until the armistice came on November 11th, 1918. During that time it was my responsibility, among other things, to know the men of the Canadian corps, to realize their strength as well as their weaknesses, to know how they lived, to observe their daily life and their conduct under all circumstances and under all conditions. It was my privilege to know how they bore themselves in battle, to know their pride in themselves and their pride in their country, to know their faith in each other and their faith in the people of Canada, and to know, also, their will to stay on the job until it could be brought to a successful conclusion.

I also understood their longing to get home again. It is an association, gentlemen, in which I have the greatest pride and about which I cherish the most precious memories.

I want to say, also, that I do not appear this morning as the representative, solely, of the Canadians who served at the front. I have a very full appreciation of the manner in which the efforts of the Canadian soldiers were supported by the people at home. We were all members of one organization, working for the success of one cause, some serving in one place and some in another. As we were not divided then, we should not be divided now. I am one of those who believe that the returned soldiers are as patriotic, as truly interested in the welfare of this country, as greatly concerned about the problems of this country, as any other group or class in it; and I am sure I speak for every one of them when I say that they do not wish to add unnecessarily to the burden of taxation under which this country labours. I know there are many men who, as they served Canada in the testing days of the war, unselfishly will continue to serve Canada with the same spirit. I feel, too, that it is the desire of my countrymen to deal with the claims of returned soldiers in a just, fair, equitable, and even generous manner. That was the intention in the days of the war. I believe it is our intention now. The returned soldiers asked no more than that; and so we are both agreed—Canadian citizens and returned men. It only remains to set up such machinery as will bring about that end, and I hold that that machinery should be so fashioned, so regulated and so governed, that both intentions will be fulfilled. That machinery should be as much the instrument of one as of the other. I hold that that machinery has a responsibility to both, and does not hold a brief for only one party. There is no difference in the intentions, therefore, of this country and the returned soldier. There should be no difference arising over the manner in which those intentions are fulfilled.

I should add that I do not appear before you as an expert witness. I am not an expert in the pensions law of this country nor of any other country, nor do I claim to be qualified to draft a legal document. But I do know that it is now altogether impossible to comply with the provisions of the Pensions Act which require proof on the part of the claimant that his present disability is directly attributable to war service. It may be equally impossible to prove that the disability is not attributable to the war; and the fact that the Pensions Board feel that they cannot accept such a responsibility only serves to bring home all the more impressively the inability of the men at all times to prove their claims. It is my belief that if the Pensions Board regarded its obligation as belonging to the man as well as to the country, the onus of proof might be shared.

Further, I wish to emphasize the fact that I am not here to plead for those who at the front were technically known as "malingerers", a term applied to the relatively few who by one subtle method or another tried to evade their tasks or to secure immunity from performance of duty or obtain special concessions which were undeserved. I do not think that anybody in the Canadian Corps was more severe on the "skrim-shanker" than I was, and I would be just as severe to-day with any man who would attempt to claim pension to which he was not entitled. We are sometimes told that "malingerers" or "skrim-shankers" still ply their trade. Perhaps they do, but I am convinced that their number is relatively so few that they need scarcely be considered in this discussion. A man's record before the war, during the war and since the war, his honest efforts in the affairs of life—all these help to classify him, and, when of obvious merit, should remove him from the undeserved application of any obnoxious term. I feel there are men who are considered as merely malingerers who are not entitled to have such a term applied to them at all. I speak only for the deserving, whose whole record, as well as their medical history sheet, should be carefully considered.

There is one thing which I wish to make perfectly clear. I am not here for the purpose of destructive criticism. We are confronted with a problem, and my sole purpose is to give what assistance I can in the satisfactory solution of that problem.

There is widespread dissatisfaction throughout the country in regard to the operation of our military pensions system. Your task is to ascertain the causes of this dissatisfaction and to devise means for removing them. As my contribution to that task, I wish to lay before you calmly, reasonably, but clearly and emphatically, the elements of the problem as I see it.

From time immemorial it has been the custom of British governments to grant pensions to those who have suffered disabilities in the service of their country in time of war. If men are killed, pensions are paid to dependents. If men are disabled, pensions are paid according to the degree of disablement. That makes the Pension Act a contractual thing; it is a contract into which the government of this country intentionally entered. Our men knew this when they enlisted; and I believe that knowledge helped to keep up their morale through all the turmoil and dangers of war. They were encouraged to enlist; thank Heaven they did not need much encouragement, but they enlisted in the knowledge that while they were absent the matter of separation allowance and other institutions that were set up to look after them would operate to protect their dependents. They knew, also, that if they fell in the field of battle a pension would be paid to their dependents. They knew that if they suffered disability, pension would be paid to them. As they had faith in themselves, they had faith in their country; they believed it would deal with them fairly and justly, they had confidence in the honesty of its purpose and in the fulfilment of all the promises it made. There is no doubt that in the days of enlistment emphasis was laid upon what Canada would do in the matter of pensions and that a man was influenced in voluntary enlistment by the assurance given him that he and his dependents would be taken care of.

In the matter of pensions and hospitalization, vocational training and gratuities, Canada has done well. No fault can be found with the scale of pensions. That is higher than in any other country of which I know. Now, in order that Canada's intentions and promises might be kept, the Pensions Act was passed and the Pensions Board established to administer and interpret the Act—and, more than that, I contend that it should be an instrument to help the returned soldier in seeing that the promises of his country are carried out as his country intended they should be carried out.

I repeat that the Pensions Board is a court of law and equity; it does not hold a brief for one side only, and it has a responsibility to both. If a man has difficulty in submitting his claim as it should be submitted, it is the obligation of the Pensions Board to tell him what he should do. There is no use saying that he has to get more evidence; he must know wherein his evidence is short, and he must be helped to get that evidence. The Pensions Board should make it their business to see that evidence comes before them in a manner in which they can deal intelligently with it, so that they may carry out the wishes of the people of this country.

In any business organization and in any institution there comes a time when the machinery set up for certain purposes must be examined and renewed, strengthened and brought up to date, in order that it may continue to function satisfactorily. There are those who hold the view that the machinery we have set up is not functioning as satisfactorily as it might. The country is asking why. It expects you and me to determine, if we can, the cause of any dissatisfaction that exists, to see if it is justified, and to eliminate it, if possible.

One dissatisfaction, I think, arises from the fact—and it is a fact that we cannot get over—that the Pensions Act is a legal document, that it is drawn with all the phraseology of a legal document, and that men applying for

pensions do not always understand this, nor do they know the precedents which the machinery for administering and interpreting the Pensions Act has in the course of time set up. In the administration of this Act for ten or more years, many precedents, certainly, are established. The man applying for pension does not know about that, and that is another reason why I think the Pensions Board should regard its duty in a somewhat different way than it does at the present time. I, frankly, admit that many men apply for pensions who are not entitled to pensions, either legally or morally. But it seems to me that when a man's application is refused it would help very greatly if he were told by the Board why it is refused. I hold that the extra time and labour involved in order to give these explanations would be more than counterbalanced by the satisfaction that would ensue, for it certainly does no good to have a large body of people feeling that national promises have not been kept and that they have not received fair play. I may be told that the Pensions Board or the Appeal Board has not the time to do these things or that it is loaded with other and more pressing work. Very good, what we must have, then, is a survey and a review of the machinery. It may be that that machinery is called upon to bear a burden which it cannot reasonably be asked to bear.

Furthermore, the Act has from time to time been revised and amended. It is difficult for the ordinary layman to be familiar with all these revisions. Yet he must be, if he is to comply with all the terms when he seeks anything under the act.

In my understanding of the obligations of the Pensions Board, it exists to serve the man as well as the country, and it should have at its disposal an organization to help him present his claim in the form in which the Board can most intelligently deal with it. I realize the difficulty of getting away from formal legal phraseology. I only mention this to point out the difficulties claimants are under.

The consolidated Pensions Act is a great improvement, and possibly it answers the purpose fairly well. Dissatisfaction arises from other causes.

The first is the degree of disability. A man may be awarded a ten per cent disability when he feels and others feel with him that he should have more. I do not think you can overcome this dissatisfaction by any clause in the act. The dissatisfaction arises from the *interpretation*. A man makes a claim. It may well be that the claim is imperfect and incomplete; that it does not comply with the requirements; that it does not conform to the precedents already laid down by the Pensions Board. The man is merely told that more evidence is necessary—I cannot too strongly impress upon you the fact that many times it is physically impossible to furnish the additional evidence in the form and of the nature which apparently is required. It seems to me the man should have more technical assistance in the preparation of his claim. More trouble should be taken to tell him why it is not complete, to make him feel that his claim, if refused, has at least received careful and sympathetic consideration. In this connection I feel that the right of appeal should be given in every case. I shall be told that there is a man to prepare his case—the official soldiers' adviser. I am not convinced that these advisers are as effective as they should be. It is my opinion that this work would be more effectively done if the resources of the Canadian Legion were utilized.

Then, of course, in the second place, great dissatisfaction comes from what we so often hear about—the attributability of the disability to war service. This is something about which differences of opinion are bound to arise. You can't remove them by legislation. If you attempt to define "attributability" you restrict its application. It can only be left to the interpretation of fair-minded and sympathetic men of good judgment and honest purpose.

You can gather from what I have said that the difficulty does not arise so much in the terms of the act as in the imperfect functioning of the machinery which has been set up to administer the act. It may not be the fault of that machinery, but again I insist that the time has arrived when the machinery must be surveyed, examined, renewed and brought up to date.

I have referred to this question, onus of proof; the Pensions Board says it cannot assume the responsibility. Well, I can quite see their difficulty. I doubt if they should be asked to do so, but remember it is frightfully hard, it is impossible sometimes, for the man to prove his claim. You can put all the meritorious clauses in the act that you like, it will all depend on the interpretation you put on it and the character of the machinery you set up for these things. I am not going to deal with many specific cases, but I have one case which will illustrate what I mean. Here is a man who enlisted in a western province in September, 1915. He was 37 years of age, big, strong and in perfect physical condition. He went to France, where he served in the signal corps. Now, gentlemen, you who know anything about it—and I know the great majority of you do—think what a man does in the signal service. Day and night, rain or shine, he must get out and keep the lines repaired. It is not a case of eight or ten hours a day, it is a case of twenty-four hours a day, and for days on end, always working in the battle area. His shelter at the best of times is nothing more than a thin sheet of corrugated iron or an old piece of tarpaulin; it may be nothing more than a shell hole in the broken and poisoned earth. Yet that man must be out all the time in all kinds of weather, wet to the skin, cold, lousy. If he does occupy a rude dug-out the chances are he has rats for companions. He is always in the battle area, shelled and bombed. Do you mean to tell me that those conditions will not affect adversely a man's health? Is it any wonder this man got a touch of rheumatism? This man was a corporal who won a military medal, so he was not a bad sort of fellow. That he suffered from rheumatic pains in his back and sciatica while on service is the sworn statement of his officers and companions, but he was so keen he kept on at work when his commanding officer said he should be in hospital. That was not a strange or unusual thing. I know men who would not go sick, they might go to the horse lines and remain there; skrim-shankers were not common. Why, gentlemen, I remember sending a commanding officer away. There was a battle coming on and I did not tell him the truth about it. What happened? I sent him away because his health was breaking. A battle had begun, the man in command of his battalion was killed. His brigadier telephoned asking me to get him back. I wired to the base where he was, to get him back, and received a wire that he was already with his battalion. You could not keep these men away. They were not trying to go back in order to try and build up claims for pensions. He grew so bad that in 1918 he was returned to England to serve as an instructor, and continued in that way until the end of the war, and in 1919 took his discharge. The sheltered life at Seaford made him feel he was all right. I will say this, gentlemen, that the medical examinations when the men left the service were very cursory examinations. I remember very well the man that came to me. He said, "You are all right." I said, "Yes." Yet the history sheet is thus stressed, that it must be true, nothing else can be true but it.

Soon after his return to this country this man suffered pains and extreme nervousness. He became so bad that on the advice of his doctor he went to California. He had already spent all his money and made application for pension through the efforts of the American Legion. He was suffering from sciatica, and was granted a pension dating from October 1924 at \$11 a month, with an allowance of \$6.25 for his wife and child. In order to get treatment he had to travel a great distance, and the pension was too small, but it was all he had to live on so in despair he appealed for more generous treatment. They sent him

to a home and his case was diagnosed as spinal arthritis, and no permanent cure could be effected. The result was pitiful, his pension was cut off altogether, and the explanation given by the board was that they did not recognize spinal arthritis as a pensionable disability. He had exhausted all his money and was left to starve in a strange country, where he was saved by his wife's efforts to earn money. She keeps a little chicken ranch, and he drags himself around on his hands and knees to feed the chickens. He often falls into convulsive fits. Do you mean to tell me that that is the intention of the people of this country? This man finally got to Mayo brothers, and his case was diagnosed as sciatica which never could be cured. The same diagnosis had been made in many other cases, but there was no difference, the reply was that if it was sciatica it was not caused by war service. Gentlemen, you know the life of the signaller, but he was told by the Pensions Board that he would have to produce evidence that his disability was due to war service. This man I refer to had his pitiful pension first cut off because arthritis, which was the diagnosis of Mayo brothers and other doctors, was not pensionable. That is all I have to say about that. There is a case in point. I know there is not a living man in this country who would say that that man received fair treatment.

I wish to make some comments on this Bill No. 19. This Bill No. 19, as I interpret it, does not deprive a man of any pensionable rights. If a man has a right to a pension he has a right to it just the same as he had to his pay in the war. It is a right. Bill No. 19, in my opinion, is a bit of social legislation; it must not be confused with pensions. It should not be administered by the Pensions Board. We must recognize, gentlemen, that there are many men who can never be provided for by any pension act. I, for one and as a citizen of this country, speaking for the great mass of returned soldiers, say that I am not agreeable to having any legislation enacted which makes every man a potential pensioner. That is not right, and the returned men do not ask for it. But, as I understand it, it is proposed that when a man is unemployable and if he has served, this bit, call it kindness if you will, shall be given to him. If I thought for one minute that this bill was to take the place of any pensionable rights a man may have I would denounce it in the strongest terms, but I do not believe that that is the intention. It is proposed by some that this act should be administered by the Pensions Board. I do not agree with that. It is a different kind of legislation. The Pensions Board deals with contractual legislation; this is social legislation. I am afraid that if it got into the hands of the Pensions Board many a man who would be entitled to a pension would be put off with this. We must guard against that. I think the age should be sixty instead of sixty-five.

Subsection 2 of section 9 of the bill reads:

Payment of allowance shall cease on death, but the committee may, in its discretion, pay to the widow, and widow or minor children of the deceased, or as it may direct, a gratuity of two months' allowances to enable them to make provision for their future care.

It says, "as it may direct". I think that should be struck out. It ought to be made compulsory, and I do not think that two months is anything like enough, because some of us are getting old, we have been through the fires. Some bear very honourable scars, and probably their period of usefulness is not very long, but that is not the case with our children. Take the case of the man who dies and is under the unemployable allowance. He is a widower, and has some children. He is given eighty dollars, or he may get it; it ought to be made compulsory. That is not enough to pay funeral expenses. It ought to be a year at least.

I also wish to suggest this for your consideration: I do not agree with the present constitution of the proposed committee. I do not think that this should be given over to the Pensions Board to administer at all. A departmental committee is proposed. I am satisfied that there are in that department many men who are wise, sympathetic and experienced, but they are subject to the orders of the minister; and we know that ministers have no rest from those who want something. I suggest to the hon. minister with all respect that by putting one or more independent persons, including at least one experienced member of the legion, on that committee at no cost to the government, he would save himself and his successors a great deal of embarrassment. He would have better co-operation and would have better results. I think I can say that the Canadian Legion would be very glad to supply that officer.

I wish to repeat that I am here not only on behalf of my old comrades but on behalf of the people of this country, who are just as much interested as anybody, that we do not want to see every man a potential pensioner. We do not want to put any undue burden of taxation on this country. You can revise and amend the Pensions Act with all the clauses you like, but it all depends on how they are interpreted, if the wishes and intentions of the people of this country are to be carried out. I think the Pensions Board should bear responsibility to both parties in this matter. It is in the nature of a contract, and the board should be a court of law and equity. I believe that they should be provided with the machinery necessary to do that. I also say to you that there comes a time in the life of any organization when it is necessary to revise and survey the machinery that is carrying it out. I think the time has come for that.

MR. ARTHURS: What is your opinion regarding pre-war disability in the case of those serving in an actual theatre of war? These cases come up and the Pensions Board contend that they are pre-war disabilities; they are in a different class.

SIR ARTHUR CURRIE: I think that that is covered by the suggested revisions of the Pensions Act, which will be presented by Colonel LaFleche on behalf of the Legion. I have read them over and will say that I approve them. These suggested revisions are rather outside of my responsibility, and I have left it to Colonel LaFleche to submit them to the committee. He knows more about it than I do.

MR. THORSON: I should like to ask a question with regard to one statement made, arising from your suggestion that there should be an appeal in all cases from the Board of Pension Commissioners to the Federal Appeal Board.

SIR ARTHUR CURRIE: Yes, in all cases.

MR. THORSON: Do you mean that the question of the amount of assessment should be appealed, also?

SIR ARTHUR CURRIE: Yes.

MR. MCGIBBON: Can you give us any suggestion as to how we are to approach the matter of the onus of proof, and get over that difficulty?

SIR ARTHUR CURRIE: Gentlemen, I will tell you what I would do: Supposing a man develops tuberculosis two or three years after the war, as in the example I gave you, I tell you that I would give that man a pension. That man is one of the most respectable citizens in this country. He is not trying to get anything he is not entitled to. I know the manner of life he lived. He has developed rheumatism; and although an ailment such as spinal arthritis is not pensionable, and not recognized, I would give him a pension despite the finding of the Pension doctors, if other doctors diagnosed it as something different. I cannot get away from that feeling, sir; I think it has to be left to the machinery in charge of the administration of this Act in order to get satisfactory administration. I believe if we begin giving that body instructions and definitions we are only

restricting its power. Anybody must know, and would have a general idea of what is meant by a meritorious case. You can only define such a case by giving examples. I think it is impossible for a man to prove or to get all the evidence the Pensions Board requires. His companions are scattered, he has forgotten the name of his Commanding Officer, and so on.

Mr. MCGIBBON: The Commanding Officer often is not in existence.

Sir ARTHUR CURRIE: That is correct. You must know something about the man, himself, the character of his service, and the probability of his disability being attributable to war service.

Mr. THORSON: One other question: Have you any suggestions to make as to how the machinery might be linked up more closely to the applicant himself, so that the Board may get the very information which you suggest is so essential?

Sir ARTHUR CURRIE: I think the Board ought to be a larger body. I was struck with the suggestion someone made, that it ought to move from one place to another, thereby giving a man a chance to appear before it. Men are impressed when they are given a chance to present their cases before the Board. They like to appear themselves, or to have others appear on their behalf, and when they are allowed that privilege they feel they are getting a square deal. I see no reason why we should not have sittings of the Pensions Board in Vancouver, Victoria, or other cities across Canada.

Sir EUGÈNE FISET: Does that apply to the Appeal Board?

Sir ARTHUR CURRIE: I do not see so much necessity to have the Appeal Board moving around the country.

Mr. CLARK: The Appeal Board is a travelling board, at the present time.

Sir ARTHUR CURRIE: Yes, in my opinion it would be better if it were reversed.

Mr. ROSS (*Kingston City*): May I ask if Sir Arthur Currie will be here for a day or two, Mr. Chairman; will he be able to attend another meeting of this Committee? My reason for asking is because his address has covered the ground so marvellously that one would need a day or so to read it, and to digest the points it has outlined. I do not wish Sir Arthur to think that we want to cross-examine him, but there are certain points in his address which we ought to have before us for study before he leaves here. There are one or two points I would like to have him dilate upon to some further extent. For instance, there is the matter of this appeal. He makes the statement that every case should be subject to appeal. How many people know what cases are refused that privilege? Colonel Belton is here, and he will be able to give us that information; I know of two or three reasons for refusal. There is assessment, there is diagnosis and there is dependency; these cases are not appealable, and I think they should be,—especially diagnosis.

The CHAIRMAN: I was going to suggest, with fear and trembling, that when we have so many witnesses to hear we should sit this afternoon and to-morrow morning. We could ask Sir Arthur to come back to-morrow morning, if he will be so kind.

Sir ARTHUR CURRIE: Please do not ask me to do that, gentlemen. I am at your service, but I would prefer to come some other time. I have not been in my office all week; the whole of the time has been devoted to soldiers' organization business.

Mr. THORSON: May I offer the suggestion that we might recall Sir Arthur Currie after we have heard some of the recommendations of the Legion. He could give us the benefit of his suggestions, based on their recommendations.

Sir ARTHUR CURRIE: To my mind, there is a great deal of merit in that suggestion. I know you will question me as to my views regarding all sorts of things. As I said, these suggested revisions to the Pensions Act will be presented, and it would be a waste of time to ask me about them before they are officially presented. Would it not be wise to know about these suggested revisions which will be placed before you and explained to you by Colonel LaFleche? If you think I can help you in coming to a conclusion, I will be pleased to do so, and will be glad to attend here again.

Mr. SPEAKMAN: I, for one, will not be able to digest all that has been outlined by Sir Arthur Currie in less than a week's time. At the same time, the general principles outlined by Sir Arthur Currie have been very clear, and when we have the printed document before us, I think we will be able to master the principles he has enunciated; after that, it becomes a matter of detail. Colonel LaFleche and others are engaged in this work every day; the Committee will be able to obtain their services without imposing too much on General Currie. I am sure everybody appreciates his effort to-day, and when we read what he has said we will probably be able to get along without bringing him back.

Hon. Mr. MANION: May I ask this question: May I draw the conclusion from your remarks that you believe in any doubtful case the applicant should be given the benefit?

Sir ARTHUR CURRIE: Yes. I add, however, that if you put such a clause in the Act it is of no value; it might not be interpreted in a reasonable and fair way. The whole question depends upon the interpretation, and you will find that it comes down to that point every time.

The CHAIRMAN: I gather that it is not your view that the Act should be made wide open, so to speak, making, as you so well expressed it, every man who saw service a potential pensioner.

Sir ARTHUR CURRIE: That is my view.

The CHAIRMAN: So that we must find some solution between these two theories; on the one hand we have the theory that the soldier should obtain the benefit of any reasonable doubt, and on the other hand the theory that the Act must not be made so wide open as to allow any person to obtain a pension.

Sir ARTHUR CURRIE: Yes, that is my view.

Mr. ADSHEAD: General Sir Arthur Currie has laid a great deal of emphasis on the word "machinery" in its application to the interpretation of the Act. I should like him to give us an explanation of the word "machinery."

Sir ARTHUR CURRIE: We have two things, the Act and the Pensions Board responsible for its interpretation. Those two factors are what I term the machinery.

Mr. ADSHEAD: The personnel?

Sir ARTHUR CURRIE: Yes, the personnel.

Hon. Mr. MANION: Supposing we suggest that Sir Arthur be asked to attend next week.

Sir ARTHUR CURRIE: I would prefer days other than Tuesday or Friday.

Hon. Mr. MANION: We would confer with you before making arrangements.

The CHAIRMAN: Sir Arthur, on behalf of the committee I wish to thank you for your attendance this morning and for the manner in which you expressed the views which we feel are those of the returned soldiers, generally, and the people of Canada. We will now call upon Colonel LaFleche.

Colonel L. R. LAFLECHE: Mr. Chairman, and gentlemen of the committee: I also wish to have the privilege of greeting this committee and stating with satisfaction that the personnel of the committee is much the same as the one

I appeared before two years ago. The present committee is almost identical with two or three exceptions, with the one we had at that time. I hope the work of this committee will be attended with as good results as that of the committee of 1928. I want to say, also, that the labours of this committee were and still are greatly appreciated by the men throughout the country. Permit me, sir, to add, on behalf of those whom I have the honour to represent, our very sincere and grateful thanks to our old Corps Commander, General Sir Arthur Currie, for coming here and giving us the benefit of his knowledge and observations.

Generally speaking, I wish to say that the suggestions he made are very much in line with what we are thinking. Before going any farther, I wish to explain whom I have the honour to represent. I appear before you as the representative of organized soldiers of Canada; the soldier organizations, for the first time in the history of Canada, have come together, and they now appear before your committee as a single body. We have worked very hard during the last few months in coming to an agreement in the formation of a reasonable and sane program which, during the sittings you will hold, we will have the honour and privilege of presenting to you in detail.

I therefore represent the Army and Navy Veterans of Canada; the Amputations' Association of the Great War; the Canadian Pensioners' Association; the Sir Arthur Pearson Club for Blinded Soldiers and Sailors; and the Canadian Legion of the British Empire Service League, of which last named organization I have the honour to be Dominion President.

On this occasion, I wish to express the thanks and appreciation of the Legion for the valuable contributions of these other associations. We have attempted to draw up our program so as to save time in this Committee; we are prepared to speak briefly and to the point on each subject, hoping to be able to make known our views for your consideration and for the quick action of the House and the Senate. We rely immensely upon this Session of Parliament to remove any cause for dissatisfaction, whether it be imaginary or real. I want to make it clear that those of us who represent the organized soldiers of Canada, and thereby, I think, the unorganized soldiers, realize fully the gravity of the present situation. We appreciate to what the Pension Bill may lead, and I wish the gentlemen of the Committee to know that we have not forgotten that point. We have only attempted to cover such cases and points as the circumstances of the men, women and children absolutely demand, and I trust that after you have heard them you will be able to agree with me to that extent. I would say that there are large numbers of men, women and children who feel that they, for one reason or another have demands which have not been satisfied. I want to go on record, however, as saying that in my opinion perhaps a good portion of these cases of dissatisfaction are based upon the fact that insufficient attention has been paid during the last twelve years, or since the end of the war, to satisfying their claims, but in the majority of cases they have had every possible attention and care and have been heard with all due consideration.

I must account in fairness to the gentlemen on these commissions and boards who have heard the cases; I do not wish to appear as a critic, and certainly not as a destructive critic. The press of affairs coming before these boards and commissions in such large numbers, and the ramifications of each individual case have undoubtedly created a very, very heavy burden of work for all these gentlemen. We realize that; but nevertheless there remains, in our opinion, a great deal of dissatisfaction to the effect that insufficient care has been given in the preparation of cases, that they have not been heard in sufficient detail, and finally when the case was turned down and an adverse decision given, the party concerned was not told in detail where he had fallen short in his case. I believe that the welfare of the whole country demands that when a man puts up a case in good faith his feelings of dissatisfaction should be dissipated by careful

explanation as to where he has fallen short in the presentation of his case. After all, a country thrives as its people are content. To leave the sore of dissatisfaction is not good practice for the country.

In the proceedings of your first meeting, Mr. Chairman, your Committee expressed the desire that we should appear before you and speak on the particular item termed "onus of proof"; in place of that term we usually say, "benefit of the doubt". In any case, the terms may be more or less synonymous.

General Sir Arthur Currie has given us a lead and an example, and has expressed the consensus of opinions of the many gentlemen who have come to Ottawa from all parts of the country in order to be heard by this Committee on the question of onus of proof. I shall endeavour to give you my opinion, after which I will be pleased to have you call each of the other gentlemen. They represent the whole country with the exception of British Columbia; the notice was too short to get the representative from that province here in time. With that exception the whole country is represented. The gentlemen to be offered as witnesses are recognized through selection or election by organized soldiers throughout Canada. They have put in a great deal of work during the past few years on this problem and other problems relating to pension and the general treatment of returned soldiers in Canada.

To come to the point, Mr. Chairman, I wish to say that while we want and, if I may use the term, will insist upon and will demand the substance of the benefit of the doubt, so that it may legitimately be exercised in favour of a claimant, we have great fear that by bringing into the statute a clause placing the onus of this proof upon the Pension Commission, we might be forcing ourselves into a position of, at a later time, having to justify our actions. There would be a danger of making it possible for everyone who enlisted and served to secure a pension without having to submit a fair and reasonable measure of proof in favour of his claim. We are afraid of that, gentlemen. We want the benefit of the doubt, but to-day we fear that it might be very dangerous to incorporate it in the Act. After you have heard the other gentlemen, however, I will have some constructive suggestions to make in this connection, as to how we might get the substance without coming to the danger point of placing the burden upon the treasurer of the country. That burden might be a difficult thing to meet, unless we act with caution; it might amount to as much as two or three billion dollars extra, before we are through. I wish to repeat, Mr. Chairman, and I wish to insist, if I may be permitted to use the term, that the men have justice, that their cases be properly prepared with care and sympathy, so that they may be heard and decided. That is what we ask, and I would ask the members of the Committee to hear the other men who have come from the different parts of the country. At the conclusion of their remarks, we will have some constructive suggestions to make.

At this point, sir, I would ask the Committee to hear the evidence of Colonel Wood, of Quebec, Dominion President of the Army and Navy Veterans in Canada.

Colonel W. C. H. Wood: Mr. Chairman and gentlemen, I have the honour to be the Dominion President of the Army and Navy Veterans in Canada. I am pleased to see in this room two ex-Presidents of this association, one of whom happens to be a Senator, and the other who is particularly expert in all matters connected with the Pensions Act and with the new Act.

If, sir, I am very brief, please understand that it is not because I am not impressed with the importance of being called on to speak before this Committee. Yesterday we held a conference, and the five associations were represented. As Colonel LaFleche has pointed out, that meeting represented the first occasion in the history of this country that all associations of ex-service men have been together. We met in the Legion room and agreed to appear

before you as a united body, and that constructive propositions would be laid before you in the form of a suggested motion by Colonel LaFleche. He will present it when the other evidence has been heard.

There are five points I wish to point out, and I wish to do it in less than five minutes. As I have already stated, we appear here representing the different veteran associations of Canada united for one purpose.

Secondly, these different associations are not unlike our British Empire in that they are so many autonomous parts, each part rather proud of its own autonomy, but in one Empire, and acting as one in this Committee in the interests of the ex-service men, and absolutely united upon the resolution which will be presented to you by Colonel LaFleche.

Thirdly, we are absolutely one with what has been said by Sir Arthur Currie and what will be presented to you later by Colonel LaFleche who is to speak as the mouthpiece of the five organizations. We are one against opening the flood-gates that will let in good, bad, and indifferent, alike.

Fourth, we want the Pensions Act to be considered and brought up to date so that it may deal with all the deserving cases in the country at the present time; and

Fifth, the method will be according to the resolution unanimously passed by the conference of the five associations held yesterday afternoon when we, who are not of the Legion, were treated as very good friends and comrades by them.

Colonel LAFLECHE: May I offer as the next witness Captain Rev. Sydney Lambert, President of the Amputations Association of the Great War.

Captain Rev. SYDNEY LAMBERT: Mr. Chairman and gentlemen, I appreciate the honour conferred upon me in being asked to appear before you in the interests of ex-service men, women and children of Canada, as you in this Committee think about them. Colonel LaFleche has told you who I am and that I represent the Amputations Association of the Great War. They are a group of armless, legless and sightless men who happen to have had the privilege of being very effective in the days of the war, and who came back to Canada and can look anybody straight in the face and tell him they did the job they were sent to do. We appreciate very much the work that the previous committees have done in providing ways and means of assisting those whom we represent, and particularly—I thought somebody would have said it long before this—we appreciate that our good, old friend and comrade, Chubby Powers, is the chairman of this committee.

I am here from Christie Street Hospital, Toronto—that is where I live and move and have my being every day—and it is a great place to come from to give inspiration to those who are low-spirited and down-hearted. I want to encourage you, Mr. Chairman, to go on with this work that you have to do because there are a lot of men who are looking to you in this committee to do something that will make it easier for them to live and easier for them to die. And because of that I think there is entrusted to you a great task on behalf of these men. Colonel LaFleche knows his business, he is the mouthpiece for us, he knows the soldiers' need, and he with the rest of these experts in the soldier world have gathered together during these last weeks, and framed a policy which I believe, if you accept it, will meet the situation as it exists to-day, and if you do that—I hope you will—we have not asked anything that is unreasonable. This question of the rights, onus of proof, benefit of the doubt, whatever you like to call it—it is coming to these men. There is no question about that. You remember that some of us were soldiers, not even officers, and when you are a soldier you have to appreciate the fact that you are deprived of a lot of things you like and are under very strict discipline.

In the ordinary way if something happens in my life, very particular, I would insist that it should be written down in a diary. The soldier men were not allowed diaries or cameras. If we could have taken pictures of what happened on those dark nights and displayed them before you in a kind of movie, you would enjoy an inspiration that you know nothing about. I am glad our old commander is here, there is the story everyone here should know. We endorse the sentiments of Sir Arthur Currie in that splendid exposition set forth here this morning. If he could have brought that man to whom he referred and placed him in front of you—I do not know whether or not Colonel LaFleche is going to do that—but if we brought some and placed them before you and let the Department of National Health and the Pensions Board have a look at them it would do their hearts good. We appreciate the kindly, generous spirit that the committee has exhibited towards these people. I am not criticizing the Pensions Board; they have a tremendous task, and I appreciate their difficulties. I appreciate the difficulties confronting the members of the Pensions Board and the Department of National Health. It is a passion with me because every day of my life I have to look into those pale faces; I have to see them live; and every day of my life almost I have to see them die. If you saw that picture I think you would appreciate that we have got to do something to make it easier for them to live, because I think they are worthy of everything we can offer. I want you to be generous with us because there is a lot to be done. I am amazed that you do not have a great army of ex-service men down here to startle the country, but they are not that type; they are not Bolsheviks; they are true to the Empire. They have a love for freedom that has been proved in the things that they have done and the way they came back from overseas and met the situation confronting them and fitted into their little niche. Take the amputation cases, you would be surprised at what the man who has lost his right arm can do with his left, and what the man who has lost his legs can do with his mouth. We have a man who has neither arms nor legs, but he can give out information. There is a place for everyone; and I maintain the Department of National Health has been trying to do something to fit these men into the civilian life of this country. I hope we will be able to make it easier for them. I do not want to debate the question of onus of proof, but I do wish it were made easier for them to get in. We have four or five hundred cases at Christie Street and there are about five hundred cases in the mental hospital at London, Ontario. There are many other cases that should be admitted to the hospital but they cannot prove their case and therefore cannot get in. A large number of men all over the Dominion are not being properly cared for and are going around the world hazarding the lives of other people; they should be properly cared for by the people of this country. General Sir Arthur Currie told us something this morning about the conditions under which they lived. Everyone around the battlefield did appreciate what it was like in the old days. You could never appreciate that unless you stood down in the slime and mud, and then you were liable to contract nephritis, tuberculosis and every other kind of disease. These doctors do not know everything about a lot of diseases. They say some of them could not have been caused by service under these conditions. Those who say that do not know anything about it. I would like to take a slam at doctors who make these statements and do not know anything about it. There are men suffering from diseases that they know nothing about, and all you can offer for the short time these men have to live is some comfort while they are here, because when they pass on they may perhaps receive their just reward for service. I just want to say these few things because I have the greatest regard for these people, and I think in your deliberations that you could do a great deal for them if you would accept the situation as we understand it. None of us wants to take

this whole group, holus bolus, and give them pensions. General Sir Arthur Currie cited a case, and I could cite scores of the same type or worse, and these cases have never had recognition; but I venture to say that the people of this country expect these men will get recognition and if you do not interpret things as people believe they should be interpreted the whole lot of us should be kicked out of the Department of National Health and the Pensions Board, and be replaced by people with kindly spirit towards the men. I venture to say that this has been the hardest winter we have ever had for the ex-service men and their women and children. The need has been great, and the distress terrible. You can bring a whole lot of people from all over the world to take their places if you like, but you cannot make out of the people from Czecho-Slovakia the bull-dog breed that made England's name. We should take care of, and preserve, the people of this country because we need them.

In regard to the women of this country, I have the greatest regard for them; my long suit is widows, because I have been hundreds and hundreds of times to the cemeteries with them when their husbands have been laid away and have had the Last Post sounded over them. Then these widows walk away not knowing where they are going or what to-morrow is going to bring forth. In a great majority of cases they are not pensionable; hardly any are pensionable unless they were married previous to the disability. These women married when the men came home. Why should they deprive us of women? They love us and we love them. These women deserve a lot of credit for taking care of the ex-service men and their children. It is not an easy task to look after a disabled soldier. I happen to have married a nursing sister, and she does things that I ought to do. Other people feel the same way as I do about it and believe that when the soldier dies his family ought to be taken care of. They are not taken care of. There is no suggestion that, if a man married before the disability, he is not entitled to the pension; but if married subsequent his widow does not receive the pension. That has got to be changed. I think that if a man dies from a war disability the children might get a pension; but in other cases, such as tubercular disability and death due to pneumonia, there would be no pension. Can you believe that? He has a total disability for tuberculosis, and dies from pneumonia, then his widow is not pensionable. Is that generosity? Is that giving the benefit of the doubt to the man or the woman? It is cutting a very fine distinction, and I think these doctors should appreciate that. I think we should understand that these doctors have a lot to do with this matter. I would pray to God to send good doctors, and then make them kind when they are good. I am deeply concerned about the little children. I do not think we have done half enough for the little children.

I know the case of a man who died the other day and left nine children under thirteen years of age. What are you going to do with them? They deserve something. I do not suppose you will ever agree that the widow and children of every man who dies should receive a pension, but will you agree that if he has twenty per cent disability that his wife and children will be pensioned? If a man lives to sixty years of age and is a pensioner, do you know that the children do not get a pension? Is that fair? I think the children should be given the same opportunity as if their father had not been a soldier. That is what the fellows in Christie street are worrying about. It is hard for a sick man in a hospital to get better if his wife is sick at home and the children are not doing very well. He is only getting ten per cent pension, and a little relief. It is pretty hard to get better under those conditions, and it is hard to die when they know there is no provision being made for their widow and children.

Gentlemen, I do hope you will give very earnest consideration to the question of pensions for the women and children of men who have a disability and who die as a result of such disability although married since the war. I do not

think if people married a couple of months prior to the development of the disability that the children should get a pension. We do consider it is most important that other widows and children to whom I have referred should receive a pension. I know there are men in hospital who are looking to you to help them. I hope you will do your best to make it so that those in charge will do their best to interpret the act, and that they may have an opportunity to show some generosity and thus benefit all these men. If that is done you will create a spirit among these men in Canada that was cultivated during the days of the war.

At 12.50 the committee adjourned until 4 p.m.

AFTERNOON SITTING

The Committee resumed at four o'clock.

Colonel LAFLECHE: Mr. Chairman, I present President Frank G. J. McDonagh of the Canadian Pensioners' Association.

Mr. FRANK G. J. McDONAGH: Mr. Chairmain and gentlemen, I have the honour to represent the Dominion President of the Canadian Pensioners' Association, composed of men on active service who are in receipt of or entitled to pensions as a result of such service. In conjunction with the other associations mentioned this morning by Colonel Wood, we have drafted certain proposals which are going to be submitted to you on behalf of all organizations by Colonel LaFleche, and we agree in the suggestion he is going to present to you having to do with that much misunderstood phrase referred to as the "onus of proof". In connection with that there is one case I would like to draw to your attention, as it deals with one class of men whom nobody seems to be working definitely for, and that is the case of the man who was taken prisoner of war. He seems to have been lost in the shuffle. The case I have in mind is that of a man who enlisted at the age of thirty-five, and in front of Regina trench down on the Somme he received three machine-gun bullets in the right leg, fracturing the tibia; he also received one in the right shoulder. He lay out in a shell hole down on the Somme, under terrible conditions, for four days; nothing to eat, and the only thing to drink being poisoned water in the shell hole. There were two other men in the shell hole with him, one died and the other went mad. He was hit on Sunday and taken prisoner the following Thursday. He was treated in Germany, had six operations, was repatriated through Switzerland and had one operation there and one in England. He was returned as a stretcher case to Canada, and discharged in 1919 with fifteen per cent pension for the wound in his leg. During his time as a prisoner he developed a stomach condition. No record is available of his medical history while he was prisoner of war; it is not available to anyone. His wife died, leaving five children, and some time after he developed a stroke. It was decided by the Federal Appeal Board that it was hemiplegia from which he suffered, and they gave their orders as follows:

After consideration of the evidence and record the Board finds that cerebral hemorrhage resulting in hemiplegia is not attributed to military service. The appeal is disallowed.

This was signed by one of their officers. This brings home definitely, in my opinion, one of the points so well emphasized by General Sir Arthur Currie this morning. The Federal Appeal Board and the Pensions Board confine themselves to the records. The records of prisoners of war are not available and I think they are entitled to the widest possible latitude because no one knows what they went through except themselves.

With regard to this man with the five children, at the present time the total amount of the pension he is receiving is \$37.50. He is in Christie street hospital and one of the vetercraft cases. The municipality is contributing to the support of those children, and this man has nothing to spend on himself except \$3 allowed the vetercraft cases. There are other prisoner cases of the same kind, but in order that we may get down to what Colonel LaFleche and others have to present to you, I would say that the returned soldier organization, represented by Colonel LaFleche, believe that General Sir Arthur Currie struck the nail on the head this morning, and they hope and expect that this committee will drive the nail home, realizing that all the returned soldier is asking is a square deal the same as he gave Canada during the war; that is all he wants.

Mr. Ross (*Kingston City*): This man's age was thirty-five when he enlisted?

Mr. McDONAGH: Yes.

Mr. Ross (*Kingston City*): What was the date of his stroke?

Mr. McDONAGH: Two years ago last January.

Mr. Ross (*Kingston City*): That would leave him what age?

Mr. McDONAGH: At present he is fifty; he would be forty-eight when he took the stroke.

Captain E. A. BAKER (Representing the Sir Arthur Pearson Club of Blinded Soldiers and Sailors): Mr. Chairman and gentlemen, I do not wish to take up much of your time this afternoon. I think this matter has been placed before you very well, first by General Sir Arthur Currie, who led us in France and is now taking his place with us in Canada, and later by worthy representatives of our veterans. I am speaking on behalf of those men who lost their sight on service and, may I suggest, gentlemen, it is our hope and belief that every man who served in France beside us and who is to-day partially or wholly disabled, but who for the lack of documental evidence or for other reasons, cannot establish his case, it seems to me there should be no question as to the exercise of the benefit of the doubt. We have in mind not only the interests of the men who served but that of our country. We thought of our country from 1914 to 1918. We are still thinking of it and as a citizen of this country may I suggest that we feel we have quite a stake in this country. We are trying to do our best whatever our vocation may be, but at the same time we feel deeply for the men not so well off as we are who do not possess physical health, and who have been so afflicted or so completely disabled that they are unable to carry on in any steady way. Do you know I sometimes think that when we speak of documentary evidence that there was one item of equipment which was forgotten for the soldier in France, and that was a filing cabinet? You know, gentlemen, as was remarked before, we were discouraged in the preparation of diaries and in the carrying of cameras. I have heard a good story of one of our fellows who had secreted a camera in a tool cart, and then the inspecting officer came along. The sergeant, knowing that this camera was in this particular tool cart, gave the key to the man owning the camera and told him to open the tool cart. The inspecting officer came and this sapper sergeant made a strenuous effort to open it and happened to break the key. He thereupon suggested breaking the tool cart open with an axe, but the inspecting officer said, "don't bother"—and the day was saved. Gentlemen, I hope that this day may be saved. I hope we are all looking at this from the same angle. In other words, when we see men whom we consider deserving, since we know the conditions under which they worked and fought in France, let us treat them fairly. Some of you gentlemen know about those conditions full well, and I think there is no one here who has not the humane instinct to do that; and, having that desire to do for them, there is no reason to fear what the result of

your deliberations will be. I think if it is found impossible for this country to take care of such cases as were cited this morning, that we veterans should know all about it, and I think we should then consider the pooling of whatever pensions we have to see if we cannot look after our comrades, because I tell you gentlemen, we have a fellow feeling for them. I appreciate being permitted to place this evidence before you. I sincerely hope the result of your deliberations will be successful and that the many men who are not even organized but who did fight in France and who came from either political party will receive just treatment because they are trying to make good in Canada to-day.

Colonel LAFLECHE: I will call Major John S. Roper, Dominion 1st Vice-President, Canadian Legion of the B.E.S.L.

Major JOHN S. ROPER: Mr. Chairman and members of the committee, I am Dominion 1st Vice-President of the Canadian Legion, and I have been president of the Nova Scotia command of the Canadian Legion since 1925. I am not an orator. Even if I were, after the eloquent remarks of General Sir Arthur Currie, anything that I would say would be an anti-climax. Suffice it to say, we in Nova Scotia are four-square behind everything General Sir Arthur Currie has said. He led us in war and we are prepared to let him lead us in peace. We are against universal pensions in Canada. We believe that the returned soldier who deserves his pension should not be deprived because it is believed that the case is on the border line, he should be given the benefit of the doubt. We hope you will look sympathetically upon this matter and that before this session is over we will get some of the things we have been trying to get for a long time. As an officer of the Legion I am here at your disposal and will be glad to give any information I may have.

Colonel LAFLECHE: We will ask General Ross, Dominion First Vice-President of the Canadian Legion, to come to the platform.

Brig.-General A. Ross, C.M.G., D.S.O.: I appear before you as Secretary and Vice-President of the Canadian Legion, and in addition to that I am Provincial President in Saskatchewan, representing 10,000 ex-service men. I have a fairly recent mandate inasmuch as I was elected to that post only last week. The ex-service men of Saskatchewan could not express their position in a better way than that expressed this morning by Sir Arthur Currie. We endorse entirely the statements he made. I do not intend to make any further statement at this time, except to say that I will be here, and when you have the opportunity to consider the remarks of Sir Arthur Currie, I will be only too glad, through my experience in four years' work with the Legion, as Branch President, Provincial Executive, and Dominion Officer, to offer any possible assistance. I shall be pleased to help to put into effect the ideal as outlined by Sir Arthur Currie.

The CHAIRMAN: I understand you are a member of the Judiciary, and a very prominent one.

General Ross: Not prominent.

The CHAIRMAN: You have legal training?

General Ross: Yes.

The CHAIRMAN: I am going to ask you if you will endeavour to assist this committee by drafting into concrete form some suggestions that might be useful to this committee, and which might be incorporated in the Pension Act, so that we may arrive at that happy state which has been indicated to us by you and other persons who have addressed the committee.

General Ross: I shall be only too pleased to do so. I have a suggestion that if you, on your part, could have one of your legal gentlemen, a member of the committee, meet with me, we might be able to help one another; our joint brains would be better than single brains, I would think. That idea belongs to Colonel LaFleche, originally.

Colonel LAFLECHE: The Dominion President of the Army and Navy Veterans of Canada, who addressed us this morning, asked me to invite Senator Griesbach to speak to this committee.

Senator GRIESBACH: I am a member of the committee, Mr. Chairman.

Mr. Ross (*Kingston City*): Unofficially.

Senator GRIESBACH: Full fledged. I question the wisdom of appearing as a witness, in view of the fact that I subsequently must deliberate.

The CHAIRMAN: I do not think it is fair to ask General Griesbach to express his opinion now. We should be very glad to hear him, but after all he is in the same position as the rest of us, and no doubt he wants to form his own opinions, after listening to the evidence.

Colonel LAFLECHE: The request came from the Association of which General Griesbach has been Dominion President, and I was only too pleased to bring the name forward.

Senator GRIESBACH: They did not know at that time that I was on the Senate committee.

Colonel LAFLECHE: We will ask Mr. Myers, who represents the Amputations' Association of the Great War, to speak to us.

RICHARD MYERS: Mr. Chairman and gentlemen of the committee, I have been connected with the activities of the Amputations' Association since its inception, and I have had the opportunity on a number of occasions to appear before your committee. I should like to take this opportunity to express my appreciation for the excellent work that previous committees have done, and the manner in which they have received our requests.

We have decided to place our entire program in the hands of Colonel LaFleche, in whom we have implicit confidence. First of all we have faith in him because he is a disabled soldier, like ourselves, and, secondly, we know from the breadth of his experience that he will bring into play that wisdom which will be so essential in helping the committee to arrive at its decisions.

I was immensely interested this morning, in listening to the question that arose as to giving the soldiers the benefit of the doubt. The first time I heard that expression was in Vancouver in 1920, and from that time on this question has been under consideration. For some reason or other it did not seem that the time was opportune when some effort should be made to bring the attention of the people of this country to the fact of giving the soldier who actually saw service in a theatre of war the full measure of any reasonable doubt.

The question of doubt, to my mind, represents the difference between yes and no. If any measure brought forward stipulated that every case must mean "yes", I would certainly feel that it would be the duty of every returned soldier in this country to oppose it. On the other hand, if every case that came forward meant "no", I would say that we would have to take the attitude it was not quite proper. I am going to close my remarks, but before doing so I should like to express a thought that has just occurred to me. I had the benefit of the doubt in the war to this extent, that it was only by the grace of God and narrow margins that I am here to tell my story. I leave that thought with you, gentlemen.

Colonel LAFLECHE: We will ask Major Brown Wilkinson to speak to us.

Captain BROWN WILKINSON: Mr. Chairman and gentlemen of the Committee, I think Colonel LaFleche over-rated me somewhat. I never had the privilege of calling myself a Major, but I have been a Captain.

I have not much to say, so far as the Army and Navy Veterans are concerned. I am a Past Dominion President of the Association, and for many years have been Chairman of Legislative Committee. In that capacity I trust I may be of some assistance to you in the course of your deliberations. I shall

endeavour to be here during the whole sitting of this Committee, if it is not too lengthy, so that any experience I may have, or any suggestions I may have in mind, may be at your disposal.

So far as the Association is concerned, we are 100 per cent unanimous with the other soldier bodies in the presentation of our program. It was decided that it might be inadvisable for all of use to speak at length on every subject, and we are quite prepared to accept Colonel LaFleche as our spokesman. We will be available so that we may be consulted.

So far as the matter of onus of proof is concerned, we have a suggestion which will be presented before you at a later time. This presents a very difficult subject for discussion. It may be that some people think that Colonel Thompson and other members of the Board are not sympathetic. That may not be correct, but my own personal feeling is that after a time, being only a human, a person might become case-hardened. I know from my own experience the problems of ex-service men, having had eleven years in the thick of the fight. Case after case has come along, and having had so many of them I begin to have a little doubt in my mind whether or not I am case-hardened. I appreciate that only a small percentage of the cases which come before the Board are not deserving, but with the repetition of that small percentage from year to year there is an accumulation of cases without merit. Although the percentage is small in comparison with the large number of cases under consideration it is only natural for the person investigating to say, "Oh heck, here is another of those cases coming up," and they begin to wonder if something is being "slipped over" them. Being human, we do not like anything being "slipped over" us; we are prepared to go 100 per cent in a fair way, but we hate to have anyone impose upon us. That may explain some of the dissatisfaction.

I do not wish to encroach upon the remarks of our spokesman, but it may be that one of the changes he could suggest would be the addition of gentlemen who have not heard quite so many of these border-line cases, and are not quite so case-hardened.

I am at your disposal, gentlemen; anything I can do any any suggestions I can make for your assistance in the furtherance of the cause we all have at heart, will be a pleasure.

Colonel LAFLECHE: I will ask Mr. A. E. Moore, Dominion Chairman of the Canadian Legion, to come on the platform.

Mr. A. E. MOORE: Mr. Chairman and gentlemen of the Committee, my attendance this afternoon appears to me to be like bringing coals to Newcastle. So many of you are ex-service men, it does not create the necessity on my part to labour any question. You know the difficulties as well as I do. Anyone familiar with public life knows perfectly well that every mail brings some complaint from some soldier who does not consider that he has received a square deal.

The only question that confronts the Committee is the framing of such legislation as they deem necessary to meet the case. I want to say, as the Chairman of the Legion, and as a fighting man, like the padre who spoke this morning, there is no degree of emotion with regard to this question of the Pension Act. There is no desire on the part of the returned soldier of Canada that the mere fact that they served their country should be the only qualification for pension. I wish to make that very clear, Mr. Chairman, because it often happens that people who are making a study of the justice of the scheme are prone to disapprove of it because they consider it is an attempt to invade the public treasury. We have on numerous occasions, repudiated that suggestion, and I think that the question of onus of proof is entirely free from any desire on the part of returned men of this country to, in any way, classify themselves improperly, as being entitled to pension, merely because of their service.

I do submit, however, that it is not only the duty of this Committee to deal with the subject, but that the proper method of procedure should be taken, as Sir Arthur very properly stated this morning. We have not been able to get the sympathetic interpretation of the Act of Parliament, in my opinion. I may be wrong, but I am led to that belief, because I have a case in mind which I would like to cite to you.

I brought down with me a chap who has not been able to work for the last six months. The man suffered with a chest condition which he received in France, and for which a well qualified medical practitioner in the province of Ontario has given an affidavit to the effect that he treated this man for such condition. The Sergeant of the Medical Department of his battalion, who is also a qualified druggist, has placed on file a sworn affidavit stating the prescription he gave the applicant. I regret to say that this man's claim has been rejected, because they say that it is a post-war condition.

Such an experience creates the feeling in the mind of the average returned man that it is not legislation we need so much as humanity, and a little less law.

Colonel LAFLECHE: The next gentleman is Mr. Charles Brown, another representative of the Amputations' Association of the Great War.

Mr. CHARLES BROWN: Mr. Chairman and members of the Parliamentary Committee, I have very little to say. However, I must amplify the remarks of Mr. Myers and Captain Roper that the work of our association for the past ten or twelve years has been to help our returned soldiers. We have taken the opportunity to bring before this committee a unified program of what we would consider reasonable legislative amendments insofar as the returned soldiers' problems of this country are concerned; and as I say, sir, we have amalgamated with the Legion, and other organizations on this request, and I am sure, sir, that the committee will realize that inasmuch as we have been able to get together we are sincere in our attitude, and I hope you will take our efforts and accept what we have proposed to bring before you in that attitude. I do not know that I have any more to say, except that I hope for success through the present committee.

Colonel LAFLECHE: I will now call on Mr. E. W. Cornell, Dominion Vice-President, Canadian Legion of the B.E.S.L.

Mr. E. W. CORNELL: Mr. Chairman and members of the committee, I have a disability. As the result of that disability I was forced to spend considerable time in a sanitarium. I came in contact there with many men who were undergoing treatment at the expense of the municipality, and I learned something of their history, and to me it seemed that I formed the opinion then, and I am still of the same opinion, that in many of these cases there was a reasonable doubt. I believe at this time I am still of the opinion that these men should have the benefit of that doubt. I am also, as the result of my life in the institution, of the opinion that the disabled ex-service men did not want attention because of service, but because of disability.

Colonel LaFLECHE: I now call on Major Norman Dingle, representing the Imperial Veterans' Section of the Legion.

Major Norman DINGLE: Mr. Chairman and gentlemen, for some five years I was president in Calgary of the Imperial Veterans of Canada and France. Some two years prior to our going into unity with the Canadian Legion, I was Dominion President of that association, and I am to-day the President of the Imperial Division of the Legion in the Dominion.

We stand with the recommendation regarding the onus of proof. It would be a very academic discussion for anyone to get involved in, and as a result the committees and the representatives of different organizations, in their good judgment, decided that this should be a matter which should be considered by a

special committee, and I think that it was very wise because it is an academic discussion. There can be no doubt, surely, that the benefit of the doubt, which is a provision which has been accepted in the law of England since, I believe, the days of the Magna Charta, should be applied in dealing with ex-service men. There is one point that I would like to bring up for your attention and for your consideration, but I am not stressing it because I realize that expense to the taxpayer in this country is a matter which you gentlemen must take into your consideration, but there is one advantage which I believe that the Imperial ex-service man has, which the Canadian ex-service man has not got, and that is free hospitalization—not by government votes or government expenditures, but by hospitals maintained by support from various individuals. Any ex-service man in the old country, any ex-service man's wife or his children are entitled to free hospitalization and they get it, and I suggest to you gentlemen that not only from the standpoint of the people of Canada to ex-service men, but from an economic point, we might give some consideration as to whether you would not have the same application under the Pensions Act. You would not have the same application under Bill 19, by burned-out men if that act should become law, if you arrest the disease before it gets to the acute stage. I know, gentlemen, the problems which you must face with regard to taxation, and because of that I am not pressing. It is not coming to you as a recommendation, but I would ask, purely from the standpoint of economy, whether or not that matter is worthy of your consideration. I thank you very much.

Mr. MacLAREN: Do you suggest that hospitalization should be arranged for those people where disability is not derived from service?

Major DINGLE: I do, sir.

Mr. MacLAREN: For all those who have served?

Major DINGLE: Yes, sir, for all those who have served.

Mr. MacLAREN: And irrespective of their position in life, their financial position?

Major DINGLE: Oh, no, sir, not for a single second. I think you might go that far, sir, without any danger—without any danger of abuse, because I know as a matter of fact, and you gentlemen must know that there are many persons in Canada who have been entitled to pension and who have returned their pension checks regularly to the board. I know, as you gentlemen should know, that there are men suffering from a disability, who, because of their financial condition, and because there is no need, have not established their claim. In the city of Calgary I know a chap whom I begged and implored—Colonel Tomlinson—who served overseas with the 10th battalion, and it was only as a result of my imploring him—he is financially well off—that he has now established his disability. I think, sir, you could go to the greatest extent, and with the privilege extended, there would not be abuse.

The CHAIRMAN: Do I understand you to suggest that the wives and children of ex-service men should also be included?

Major DINGLE: Yes, they should be included.

Mr. ADSHEAD: It is done in England?

Major DINGLE: Yes, it is done in England. It is done in England because there are free hospitals, not because of the government.

Mr. ADSHEAD: Is it charity?

Major DINGLE: Not necessarily. I will not say that. Because they all give—the man who receives the treatment, whose wife receives treatment, subscribes.

Mr. McINTOSH: What is the membership of your organization?

Major DINGLE: In Canada, 3,000. In some places we have clubs, Winnipeg, Calgary and Vancouver; in other places we have small branches where they meet possibly once a month, and bring in recommendations.

The CHAIRMAN: How does the free hospitalization in England differ from free hospitalization here? I am under the impression that we have in parts of the country free hospitalization to all persons whether soldiers or not.

Mr. McGIBBON: If they haven't money, they go to hospital.

Colonel LAFLECHE: May I point out that that is hardly a point we are supposed to talk on. It is the introduction of a new subject, and I may say, so as to clear the minds of the committee, that this is something upon which the Legion, or, at least, its representatives, reserve comment. I do not think we are ready to come to that point yet.

Major DINGLE: I think I made myself quite clear. I know that in the city of Calgary a person cannot be admitted to hospital unless in advance a sum of money is paid. What the conditions are in other parts of Canada I do not know. I know, however, that in the city of Calgary money is demanded in advance.

Hon. Mr. MANION: That is not true in Ontario.

Mr. McGIBBON: I doubt if it is true in the west.

Mr. ADSHEAD: I do not think they turn anybody out.

Colonel LAFLECHE: May I call Mr. Eli E. Spencer, representing the Manitoba Command of the Canadian Legion.

Mr. ELI E. SPENCER: Mr. Chairman and gentlemen of the committee, I am going to suggest to you, to come to the root of what I propose to speak on, that if I were an applicant for a pension and were given the option of whether I would prefer the onus of proof suggestion, or the benefit of the doubt, that, in fact, there is not much to choose from, because the onus of proof would probably be as easily shifted as that burden which is put on the soldier to produce the evidence now to establish his right to pension. As has been stated, the policy of the Legion and the other organizations that have been represented, is not that the flood-gates would be opened and that service and disability after discharge would entitle a man to a pension—I know conditions provoke suggestions, and suggestions may be warranted, in view of conditions—but rather than tempt the ex-service man, I would suggest to you, as a more sound principle, that that doubt which there might exist, be satisfied by the circumstances and the general evidence which is available, and the man's right to pension be admitted. I do not think I can say more at this time.

Colonel LAFLECHE: May I ask Colonel C. H. Ackerman, President of the Ontario Provincial Command of the Canadian Legion, to speak.

Colonel C. H. ACKERMAN: Mr. Chairman and gentlemen, we, I understand, have been called before this committee to-day particularly for the purpose of discussing this one question, the onus of proof. I see that previous speakers, however, have passed that responsibility on to our spokesman, Colonel LaFleche, and I am going to ask that I may be permitted to do the same thing. Now, I have the honour and the responsibility of representing the Canadian Legion of the British Empire Service League in the province of Ontario. We have a membership of some 30,000 men. It gives me a great deal of pleasure to say that in the province of Ontario to-day there is a united spirit amongst ex-service men such as we have never enjoyed. Now, I would like very briefly to just tell you what my position is, and what the position of my associates in this returned soldier work is. When Earl Haig turned over to Marshall Foch the responsibility of the command of the allied armies, you remember he made the statement, "Many of us to-day are tired; we must stand and fight with our backs to the

wall." That, gentlemen, is the position that a great many of us are in, who have been striving for years to introduce into civil life the very finest that existed in the Canadian Corps while the war was on. I think we are coming to that point now. With the sympathy and support of Parliament, with the knowledge that you gentlemen all have and must have, of our problems, I know that that condition is going to be actually brought into existence. Now, to those who have been particularly interested in returned soldiers' different problems, there is one that I regard as of vital importance to Canada, as a nation. We have heard of these burned-out cases. I might say that this gathering of ex-service men here are going to express themselves as opposed to that expression being used to apply in the case of a man who is unemployed and non-pensionable. We must remember that many of these men are raising families; they have young lads coming along who are growing up now into manhood, and we are afraid that that expression "burned-out" may possibly be carried on and the oncoming generation will be made to feel that their fathers were burned-out or washed-out men; and, although his condition is that, we do not like the expression used.

Now, I have nothing more to say except this, that this program which is being submitted to you, is the considered opinion of all ex-service bodies. Unfortunately, the time has not been given to go through the entire Dominion of Canada, but what time has been spent on it in Ottawa has been time very well spent. Very many hours have been spent upon it, and yesterday I had the satisfaction, for the first time since I have been associated with problems having to do with ex-service men, of seeing six ex-soldier organizations stand and unanimously place the responsibility for directing the program, upon the shoulders of our worthy president, Colonel LaFleche.

Now, I am assured of the success of your deliberations, Mr. Chairman. I cannot help but be impressed because of the fact that the Chairman of this Committee, one of our bravest men, belonged to the best battalion that Canada ever sent across to France.

Colonel LAFLECHE: I will call on Mr. Arthur Wakelyn, representing the Alberta Provincial Command of the Canadian Legion.

MR. ARTHUR WAKELYN: Mr. Chairman and gentlemen, I understand that we are concerned chiefly at this particular moment with the discussion of the onus of proof. In that connection, I wish to be very, very brief indeed; and in coming to the point, I would mention the fact that I am what might be termed a veteran of veterans, for the reason that I have been engaged in the problems of veterans ever since the war was over—not on the departmental side, but on the soldiers' side.

Now, I look at the question of the onus of proof in this light: I have had great difficulty to determine whether the onus of proof is better than the sympathetic attitude, or, whether, vice versa, the sympathetic attitude is worth more than the onus of proof. But I think the real dividing line in the issue is as to who is to determine this particular attitude if you go after the question of sympathetic attitude, for the reason that several years ago we had the meritorious clause which many of us thought was a great solution to all our troubles and difficulties. I think I am right in saying that there were only five cases granted last year under the meritorious clause, and that was intended, as I understood it, to be a compassionate clause to cover a multitude of sins so far as the Board was concerned. So far as our committee is concerned, we are all behind our leader, Colonel LaFleche, and I think I am safe in saying that we give him our absolute assurance, and instead of laying before you the individual cases I have had to contend with, or some of them, I prefer to do the rest of our work with our leader.

Colonel LAFLECHE: I will now call on Dr. G. B. Peat, representing the New Brunswick Provincial Command of the Canadian Legion.

DR. G. B. PEAT: Mr. Chairman and gentlemen, the discussion on the onus of proof and that sort of thing, has brought such a consensus of opinion from all the representatives, that I think there need be very little said about that. Speaking for New Brunswick, I may say that there is nothing farther from our minds than that there should be any question of universal pension, or anything along that line, as regards the benefit of the doubt, or the onus of proof. We feel that this is largely a question of sympathetic consideration. The impression down there is that if the Board of Pension Commissioners devoted as much time and attention to giving the men their rights and to advising them on points in their favour as they do in finding points against them, the problem would be in large part solved. I might speak on this subject because I was on the Pensions Board for a while and went down to New Brunswick where I did pension work for some time. I wish to say this on behalf of all the men with whom I came in contact at that time because in the early part of 1919 they were accused of having Bolshevik and socialistic tendencies. I must say that in examining men and in awarding pensions I had no trouble whatever, I found them a splendid bunch to get along with. For the last ten years I have had a continual string of men complaining about the treatment they have received when disability was claimed. For example, I have gathered in a little over a month sixty cases of complaint. Some of these cases are most distressing and heartrending. Just the day before I came away I had the case of a man who had become practically blind and he was receiving hardly any pension at all. He was trying to get along with the earnings of his wife. In that family there was a small child sick. They did not know where to get a doctor, and got a gentleman around town to send his doctor down, and he found them in frightful shape. When she applied for relief she was treated, so the secretary of the Legion for New Brunswick told me, in a very discourteous manner.

Just for a few minutes I might say what the cases are and where they have taken place. I have tabulated these cases:

1. The case of undoubted and undisputed disability where there is an insufficient pension. I have a large number of those.
2. The case of undoubted disability where the B.P.C. will not admit contracted on active service.
3. The case of undoubted and undisputed disability which was contracted on active service and the B.P.C. maintains it is pre-war or post-war condition. There are a good many of those.
4. Cases of disputed disability where the certificate of reputable physicians and of employers, C.O's and O.C's of companies and battalions are absolutely ignored by the B.P.C. I have many of those men, and cannot figure out why that should be.
5. Cases where the B.P.C. claims V.D.S. Syphilis is the main cause, there are a number of those that we feel they are drawing a long bow to try to make syphilis the blame for those obscure conditions.
6. Cases turned down by the appeal board with no come-back. That is the class of case that has come before the appeal board, and if turned down they have absolutely no come-back unless within a year they can produce evidence of disability. There is no come-back except through the B.P.C.
7. Cases where disability has been admitted and pension given, but only for the past year or so when it should be retroactive. There is a large number of cases where the pension has been awarded by the appeal board or the pension board, and it is quite evident disability was contracted on active service, and they should get their pension, but they did not. Why did they not? I have several of those cases.

8. Another type of case is the lack of treatment by the D.S.C.R. That of course opens another question.

As far as I can see that gives the cases tabulated in the form they should be considered; all cases have to be considered in that way. The only other thing that I want to take up before the committee is a rather anomalous condition regarding pensions in my own particular district—a condition that exists nowhere else in the Dominion.

MR. MACLAREN: Will the doctor have an opportunity of bringing forward these other particulars?

Colonel LAFLECHE: I asked Dr. Peat to place the cases on record this afternoon so that we might have something to proceed with later.

MR. MACLAREN: I would like him to have the opportunity to give some particulars of the investigation he made.

DR. PEAT: I do not want to bring up any special case other than to illustrate a certain type.

THE CHAIRMAN: What about exceptional conditions in New Brunswick, which do not exist anywhere else? We want to hear that.

DR. PEAT: I made out a report. While I am speaking about it I had better clear up the question, onus of proof or benefit of the doubt. We had all considered and talked this over, but I felt that the chairman, in his opening remarks, when he stated that the men should receive the benefit of the doubt, that he made the point that we all wish, and that General Currie followed up so well, and I think it really would be a waste of time for me to say anything on that except to say that Colonel LaFleche will be glad to follow his lead, and whatever he says on behalf of my branch I would heartily concur in.

In regard to this other matter, these facts were all gathered from the pension reports that I had sent to me and they are all gleaned from them. In making the report I was simply giving the facts and figures so that the conclusion can be drawn. The number of enlistments for every province and their percentage; the enlistments for the Dominion, the percentage of pensions for each province and the percentage of pensioners, that is the whole thing. I do not think it is necessary to give all the facts and figures for each province.

THE CHAIRMAN: It can be read into the record.

DR. PEAT: I just want to bring out the lack of comparison between the province of New Brunswick and, say, the nearest province to New Brunswick, independent of the number of enlistments. That is, for example, New Brunswick has 25,864 enlistments, or 4-2/3 per cent; Nova Scotia and Prince Edward Island, 33,342 or 5½ per cent, of which Prince Edward Island had a little over 5,000. I will pass over the other facts until the year 1929. The number of pensioners in Nova Scotia and Prince Edward Island, 3,148; and in New Brunswick, 1,569. Where the enlistments were practically the same as in New Brunswick, those figures show there were only half the number of pensioners and the annual liability for pension in Nova Scotia and Prince Edward Island is \$1,515,835, New Brunswick, \$787,143. The number of dependent pensioners was 1,270 for Nova Scotia and Prince Edward Island, and 684 for New Brunswick. That gives an idea of the discrepancy. Then the percentages for Ontario run practically right straight through 30 per cent dependents and pensions, enlistments 41 per cent. New Brunswick, 3½ per cent dependents and 3 per cent pensions, and 4-1/3 per cent enlistments. Nova Scotia and Prince Edward Island have 6 per cent dependents and pensions, and only 4½ per cent enlistments. That is what I want to bring out, there is some unaccountable discrepancy, because where we have practically the same number of enlistments it gets but half the pensions and dependents. There may be some explanation, we do not know what it is and we would like the committee to know that fact.

The CHAIRMAN: Do you draw any deductions from those figures?

Dr. PEAT: Yes, I have drawn deductions.

Mr. McGIBBON: Would not the pensions be due to disability?

Dr. PEAT: The other provinces run—their percentages run almost in the ratio. There is no ratio in New Brunswick, we cannot see why that should be when we know the number of enlistments.

Mr. MacLAREN: Has it appeared to you that there were less pensions granted which led you to make this investigation?

Dr. PEAT: Yes, there were so many complaints from men and pensioners that I looked into the whole matter. They asked me so I took the pension records, and looked into the whole thing. We cannot explain it—it would seem unaccountable.

Mr. MacLAREN: But do the figures show that New Brunswick is getting a much lower percentage of pensions than the other provinces?

Dr. PEAT: Yes, it does.

The CHAIRMAN: They are fine, healthy men, from New Brunswick.

Dr. PEAT: It is a question of disability.

Mr. MacLAREN: That is why it is all the more striking.

The CHAIRMAN: Would you file the figures?

Dr. PEAT: Yes, I would like to file those figures, and the whole report, but you probably do not want me to go into it.

Mr. MacLAREN: Has the attention of the Pensions Board been drawn to these statistics.

Dr. PEAT: I sent a copy to the minister some months ago.

The CHAIRMAN: I think perhaps there are certain deductions. As I see it, you do draw certain deductions, do you not?

Dr. PEAT: Yes.

The CHAIRMAN: Perhaps you had better state them. I do not think it is fair to put this report into the record without having heard your conclusions. If there are any conclusions to be drawn or discussion with regard to discrimination, to put it frankly, I take it the witness is endeavouring to show that there has been discrimination against New Brunswick. I would like you to give your conclusions.

Dr. PEAT: I will give you the figures. Now, in taking another view of the situation, we find that the number of ex-soldiers on the strength of treatment to September 14, 1929, was 172 for Nova Scotia and Prince Edward Island, and 63 for New Brunswick, and, again, the number of men receiving relief during the year ending March 31, 1929, was 220 for Nova Scotia and relief was issued 845 times. In New Brunswick only 82 received aid, and relief was issued 449 times, while the amounts involved were \$3,854.42 for New Brunswick and \$10,272.91 for Nova Scotia.

In New Brunswick as on March 31, 1928, there were 1,373 pensioners and of these 504 were permanent. In Nova Scotia and Prince Edward Island there were 2,272 pensioners and 960 permanents. When one considers that in a disease such as tuberculosis the numbers in Nova Scotia and New Brunswick approximate much more closely, namely, 38 for Nova Scotia and Prince Edward Island, and 29 for New Brunswick, it shows that the other types have been altogether unnecessary discrepancy. This is again shown by the distribution of assets by the provinces. We find the Vetract stores, New Brunswick, getting \$451.94, and Nova Scotia and Prince Edward Island getting \$18,784.67.

Now when we look at the staff needed to take care of the returned men, we find listed for Nova Scotia, New Brunswick and Prince Edward Island 147, and of these there are in New Brunswick 44. This can only be explained in one of several ways, first the case of a man that may not be applying.

Mr. THORSON: Have you any figures of the applications by provinces?

Dr. PEAT: No.

Mr. THORSON: Would that not be one explanation?

Dr. PEAT: That may be. In the second place, they may not be receiving proper consideration in their own units, that is, that either their condition is not adequately described or their pensionable disability is reckoned too low; or third, there is lack of proper consideration or direct bias at headquarters at Ottawa. From the number of complaints we all have knowledge of, it would seem that the first condition could be ruled out, namely, that of the men not applying. This leaves only two other conditions to consider, and whether only one of these is the cause, or a mixture of both, can only be judged from past years. We know that Ottawa has never shown a very sympathetic outlook with the men. How much of this points to Ottawa itself, or is a consequence of the viewpoint of the local branch is a matter for further consideration. It would seem that, instead of justice being tempered with mercy, as was and is intended by the Pensions Act, the opposite course is pursued. All sorts of excuses are trumped up. A favourite phrase is "pre-war disability," a catchword that might conceivably apply to those joining in the last year or year and a half of the war, but utterly silly when applied to men of 1914, 1915 and 1916. During the first two years of the war, we all know that medical histories were of the most meagre nature or utterly lacking, and now not only is the burden of proof thrown on the applicant, but his word is doubted as is also any evidence he brings forward from officers or fellow soldiers.

Then this other matter, the orthopaedic department was removed, and had to be fixed up again. I may say I have individual cases to follow out all these points, but the report can be attached.

The CHAIRMAN: I think the main point is that there has been some discrimination against New Brunswick based on bias on the part of the board in favour of Nova Scotia. Do you consider Nova Scotia should have less pensions?

Dr. PEAT: No, I am not suggesting that, I am simply laying this before you.

Mr. MACLAREN: I understood that the number of pensions received would be much less than in the other provinces, compared with Nova Scotia which has somewhat less population, but I think his finding as to the other provinces applies as well. Is that right?

Dr. PEAT: Yes.

The CHAIRMAN: I do not think there is any objection to that statement being filed.

Mr. ADSHEAD: You stated in your opening remarks that it appeared to be the case that the Pensions Board gave more time trying to find obstacles for pensioners than in helping them out.

Dr. PEAT: That is the impression one would get.

Mr. ADSHEAD: Is that the prevailing opinion?

Dr. PEAT: Yes. That is the prevailing opinion.

Mr. ADSHEAD: Has that been referred to Colonel LaFleche with the other matters?

Dr. PEAT: Yes, from my district.

Mr. ROSS (*Kingston City*): Have you a hospital in New Brunswick for the treatment of men?

Dr. PEAT: Yes sir.

Mr. MACLAREN: Lancaster Military Hospital.

Dr. PEAT: Yes. It is a matter of complaint that is being brought before me all the time and I was asked to make a report concerning it.

Mr. MCGIBBON: You say that evidently the Board of Pension Commissioners is more concerned in finding obstacles than giving assistance. What have you got to suggest as a remedy?

Dr. PEAT: Personally I think if you had an enlarged board of men, possibly medical men of experience who have been at the front and have seen the conditions through which these men have gone. Men who have seen them come in after the first battle of Ypres, when their buttons were covered with verdigris and with froth pouring out of their mouths on account of having been gassed, seeing them all covered with mud and pieces of cloth had to be picked out of their wounds, if you had men who had seen that and can visualize those conditions when they see the report they could read that into them and see those men as they now are when they come up to get a pension.

Mr. MCGIBBON: Your complaint is as to the personnel of the board.

Dr. PEAT: Either that or their way of looking at things. I would not attack the personnel of the board at all, but it is their way of looking at things. I certainly would not want to make any complaint against any persons.

Mr. ROSS (*Kingston*): You were with one of the units?

Dr. PEAT: Yes, I was at the clearing station, first C.C.S.

Colonel LAFLECHE: Mr. Chairman, might I make a very brief statement about this matter generally. It is understood, of course, that we will take up these cases later, but I want to say that Dr. Peat has brought out a most interesting situation, and one that does demand some explanation I would submit. Dr. Peat told you that he had sent me a copy of this memorandum, and as I remember having studied it—I am not ready to speak finally on it—but if I remember correctly the situation was this. This was 1929 condition of affairs, taking the enlistments by provinces and comparing them with a number of pensions granted in the provinces, the respective figures for the provinces came out something like this. I wish to repeat, I do not submit this as final, or necessarily the correct figures. The province of Quebec was the lowest of all, taking 100 as a par figure. In the province of Quebec 47 per cent, New Brunswick, 64 per cent, Ontario about 80 per cent.

Mr. THORSON: Enlistments or pensions?

Colonel LAFLECHE: The ratio of pensioners to enlistments by provinces.

Mr. THORSON: Ratio only of pensioners to enlistments?

Colonel LAFLECHE: By provinces as I figured it out, and as I remember it, I may be slightly wrong. There was 47 per cent Quebec, 64 per cent in New Brunswick.

Hon. Mr. MANION: I may misunderstand. Do you mean 64 per cent of the enlistments in the province of New Brunswick now get pensions?

Colonel LAFLECHE: No.

Hon. Mr. MANION: Explain the ratio.

Colonel LAFLECHE: No, I haven't a set formula, but let me try again.

Mr. MACLAREN: Would it not be better to get the correct figures?

Colonel LAFLECHE: We must arrive at some explanation at least, and I want to state this now. No, Dr. Manion, I mean taking the enlistments by provinces then you find what is the percentage, say, for Ontario, of the total number of enlistments in that province to the total number of all Canadian

enlistments, and you find a ratio; it is 41 per cent. Then take the number of pensions awarded in the province of Ontario, I forget the percentage, and you take the percentage of the total number of pensions granted in Canada, then comparing the two percentages you take a ratio from the two percentages.

Hon. Mr. MANION: I follow.

Mr. MCGIBBON: Would it not be more fair to take the applications for pensions?

Colonel LAFLECHE: They are not available.

Mr. MCGIBBON: Surely they could be obtained from the Pensions Board.

Colonel LAFLECHE: But we are speaking of what is public property, the information as contained in the pensions report. It is an interesting study. Province of Quebec 41 per cent, in New Brunswick 64 per cent, in Ontario about 80 per cent, in Manitoba about 88 per cent, in Saskatchewan about the same, 88 per cent, in Alberta 100, par, in British Columbia 100, par. Coming back to the Atlantic coast, taking Nova Scotia and Prince Edward Island one finds that they have gone above par, 105.

Mr. MCGIBBON: Might that not be explained, I do not say that it would, but might they not have enlisted for a longer period?

Colonel LAFLECHE: I do not know.

The CHAIRMAN: They might have moved out of the country; that is one of the maritime grievances, they have gone to the West.

Colonel LAFLECHE: I simply want to put this on the record now, so we can refer to it.

Mr. ROSS (*Kingston*): You cannot take the number of units in each division.

Colonel LAFLECHE: I stated in the beginning of my remarks that I am not prepared to give my opinion, but I want to give roughly the percentage of all provinces, so when we do come to it we will remember there is this difference.

Mr. ARTHURS: Your figures present the pensions for each year.

Colonel LAFLECHE: Undoubtedly.

Mr. ARTHURS: That has nothing to do with the residence of the pensioner at the time the pension was granted?

Colonel LAFLECHE: No.

The CHAIRMAN: There may have been a large movement of the population.

Colonel LAFLECHE: Yes.

Dr. PEAT: Mr. Chairman, it has been suggested that I consider there has been discrimination against New Brunswick, that was not my opinion at all. What I say is, there is an anomalous condition which we could not understand. We are trying to find an explanation for it, but cannot.

Colonel LAFLECHE: I will now call upon Mr. Harry Gray, President of the Toronto and District Command of the Canadian Legion.

Mr. HARRY GRAY: Mr. Chairman and gentlemen of the committee, I hope I understand that we should confine our remarks to-day to the question of the onus of proof. I understand, however, that some of the speakers have left that; and I would like to say that we, in Toronto, are unanimously behind the proposal which will be placed before this committee on behalf of all the organizations; but so far we feel that we could not support the idea of placing the onus of disproof on the Board of Pension Commissioners. At the same time, looking for a solution, and having in mind particularly the fact that there is a class of case that is not provided for now in the pensions statute as it stands, we want—and I am asked to say—that nothing be allowed to take precedence over the question of amending

the Pension Act to meet this problem in any way. We feel that if, by reason of the man's length and nature of his service he is now suffering a disability that he should be given a pension by right, and nothing should be allowed to interfere with that right at any time. We feel that wherever measures are introduced to take care of that class of man there is just a possibility that either he himself may not see fit to press his claim, or those charged with the administration of the statute, feeling that the provisions have been provided, might—I will not say take less interest in his claim—but they might feel that he is being cared for. A good deal has been said about the Board of Pension Commissioners to-day, and I think that—I am speaking on behalf of the organized body I represent—I think we would do well to analyze our position in the matter. We have a responsibility which is to see to it that these claims are laid properly before the body charged to rule upon them, and I think this committee can help a great deal in that connection. I think they should make it easier in some manner to extend the facilities provided for those people that have to get their cases prepared and presented, and I feel you would be going a long way by providing those facilities. I would like to ask, sir, that the committee very seriously consider this, and I think I speak with some experience in saying that I have in mind the fact that people charged with getting these cases ready to-day, are literally inundated with claims, and I say that it is physically impossible for these people to get the claims in proper shape, so that we should be a little tardy about condemning too much those people who have the statute to interpret and administer on behalf of the country. I do not think there is anything more, Mr. Chairman, and gentlemen of the committee, I desire to say, but I do sincerely hope that you will give very, very careful consideration to my last suggestion.

Sir EUGENE Fiset: Could you specify a little more fully what kind of facilities you have in mind?

Mr. BRAY: One would have to go into an extended discussion; but you know the facilities that are now available. There are the official soldiers' advisers, who are doing splendid work.

Mr. THORSON: You would suggest an increase in their number?

Mr. BRAY: The Dominion President tells me that they have suggested a name, but I think that the staff of the soldiers' advisers should be increased. I think, as a matter of fact, we should have men investigators. I think they should be given money—at least, there should be at their disposal a fund whereby they might obtain the best medical opinion of the country where there is a difference of opinion in regard to diagnosis. I think we should have it done by those people who are charged with getting a case ready rather than going to the Board and having a squabble with them as to the question of diagnosis. All these cases should be cleaned up before the case is laid before the people who are charged to rule upon it, because, otherwise, it only clouds the issue.

Colonel LAFLECHE: I will now call upon Mr. James J. Leightizer, representing the Prince Edward Island Provincial Command of the Canadian Legion.

JAMES J. LEIGHTIZER: Mr. Chairman and gentlemen, it is not my intention to take up very much of your time this afternoon, because I think the case has been very ably laid before you this morning by General Sir Arthur Currie. I might state some individual cases of what we feel are injustices. I might even paint a picture along the lines of that depicted by Sir Arthur this morning, and I believe it is possible for me to do so, which would bring tears to the eyes of the committee; but looking over the committee this morning, when they were listening to Sir Arthur, I was quite convinced in my mind that the sympathetic idea which the returned men are looking for to-day, is in that committee.

It is very far from the ideas of returned men to throw open the flood-gate and ask that every man be given a pension. We have in view the responsibility

of this committee to Parliament, and also the responsibility of Parliament to the people as regards the expending of taxes. We do, however, feel that a sympathetic attitude should be taken and the benefit of that doubt should go to the returned man applying for pension.

Now, I do not think there is anything further I can say. I do not wish to go over ground that has already been covered. What we are looking for, gentlemen, is a measure of British fair play, justice, and nothing else; and if the hands of the Pensions Board have been tied by the legislation already passed, no criticism from our province, nor from any other province, is being directly hurley at the Board of Pensions Commissioners. I believe they are men who are trying to do their duty, but if the law ties their hands in such a manner that they cannot give sympathetic consideration and the benefit of reasonable doubt, then I believe the ideas which our president, Colonel LaFleche, will place before you in concrete form, will supply some suggestions to remedy that condition.

Colonel LaFLECHE: I will now call on Captain C. P. Gilman, representing the Tuberculous Veterans' Section of the Canadian Legion.

Captain C. P. GILMAN: Mr. Chairman and gentlemen of the committee, I will not keep you very long. I wish to say that this is a matter which affects our men very, very much because we represent the tubercular men in sanitarium and out of sanitarium in Canada, and we think it is worth while to put before you our official stand on this question in the form of a report:—

TUBERCULOUS VETERANS' SECTION OF THE CANADIAN LEGION, Sections' Stand on Onus of Proof.

In February 1928, the Tuberculous Veterans' Section of the Canadian Legion of the B.E.S.L. submitted a recommendation to the Parliamentary Committee which, in effect, placed the onus of proof, in cases of disease of slow progression, upon the Board of Pension Commissioners.

Anyone carefully reading our argument on that day will understand from the particular cases submitted, that we were endeavouring to show that the benefit of the doubt was not being given by the Board of Pension Commissioners at that time, and that our action in presenting our recommendation was the result of desperation in that we felt that something almost revolutionary must be suggested in order that the condition might be remedied.

We believe to-day that if the recommendation presently being submitted by the Canadian Legion both as to legislation and administration are given effect that the disabled returned men and their dependents will be fairly adequately taken care of.

If this is not done then the suggestion of removing the onus of proof from the man and placing it upon the Board of Pension Commissioners must be seriously considered.

We, representing probably the largest body of disabled ex-service men, feeling our responsibility, yet cannot agree that this is the best course of action, unless, as we say, the other means suggested by the Legion, are denied.

Colonel LaFLECHE: I will now call on Mr. McIntyre Hood, member, Ontario Provincial Command, Canadian Legion.

Mr. MCINTYRE HOOD: Mr. Chairman and honorable members of the committee, I have the privilege of serving my fellow ex-service men, as a member of the Ontario Provincial Command of the Canadian Legion, and coming from

a highly industrialized city like Oshawa, I come very closely in contact with men who are thrown aside in the labour market by reason of disability, sometimes pensionable, very often unpensionable. It was mentioned this morning by our corps commander, General Sir Arthur Currie, and by Captain Sidney Lambert, that there was a great deal of dissatisfaction apparent in the minds of ex-service men, and also in the minds of the people of Canada as a whole. In my association with these disabled men, and particularly with those disabled men who have found themselves under the present regulations, non-pensionable, the spirit of dissatisfaction is not the one which causes me the most concern. There is a deeper spirit with which I think we have every reason to be concerned—a spirit of desolation, of hopelessness. These men feel that when they went into the battle areas and served their country in its time of need, they were grasped by the hand of some relentless foe which crushed out of them their ambition, their hope, their life itself, and threw them ruthlessly upon the doorstep of some charitable institution. That was the feeling of the men, who, by reason of disability, are unable to secure employment and are yet declared non-pensionable. They are as men without hope, and yet, in this year, 1930, 12, 13, 14 years after they served their country, they look to you, gentlemen of this committee, as the repayment of the hopes which they had on enlistment, that when they came back from the struggle they and their dependents would be looked after. There is, I believe, a solution of the problem, I believe that solution will be found in the suggestions which will be placed before you for consideration by our worthy spokesman, Colonel LaFleche. There are four principles which I believe, if applied, would satisfy those who are concerned about changing the onus of proof: two principles of common sense, and two principles of law. The first principle of common sense is that there should be the most thorough, fair, painstaking and careful preparation in the presentation of every application going before the Board of Pension Commissioners. The Board of Pension Commissioners have, indeed, a task which is difficult, because in many cases in which they feel impelled to refuse, the application takes the form of a letter sent to the Board by individual soldiers without any further investigation, or any proper preparation of evidence, and the logical and natural result is the refusal of the pension. Following the proper presentation and preparation, there must be the proper machinery for the handling of those applications and the proper application of mind and spirit on the part of those involved in that machinery. It will mean, before justice can be done, an extension of the existing machinery, and I feel that the suggestion made by our Corps Commander, Sir Arthur, this morning, regarding the extension of facilities for Pension and Appeal Boards are worthy of great consideration. His idea, based, perhaps, on the principle used in our courts in the cases of judges who travel,—in this instance there would be quorums of the Pension Board who would sit in the east, centre and west, with an Appeal section of the board sitting at Ottawa—might very well meet the necessities of the case.

And then we come to the two principles of law, the application of which, to the situation, would bring a considerable measure of relief. First of all, there is the law of the acceptance of circumstantial evidence, and, secondly, the law which has also been mentioned to-day very frequently—the law that in all cases the applicant shall be given the full benefit of any reasonable doubt. These four principles I feel, if accepted along with the suggestions which will be made to your committee by our spokesman and the others who will be associated with him in the presentation of those suggestions, will, I think, bring to the ex-service men of Canada who are now suffering hardship because they served their country so well, will bring out of their desolation the spirit of hope and a revival of that splendid British spirit of sticking to it and doing the best one

can for oneself, and one's country that was so apparent in those men when they went away, but which has been stifled because of the hopelessness of the situation in which they are finding themselves to-day.

Colonel LAFLECHE: We now come to the last witness. Before naming him I might say that I think at the next sitting we can make better progress because we will present these items, one by one, and they will be presented usually only by one person. Mr. J. R. Bowler, General Secretary of the Canadian Legion, will, on my behalf, present certain suggestions to the committee.

Mr. J. R. BOWLER: Mr. Chairman and gentlemen of the committee, perhaps I should explain that for the past six years I have been official soldiers' advisor in the province of Manitoba, and for two years I was honoured with the presidency of the Winnipeg branch of the Canadian Legion.

I understand that at this time I am to confine my remarks to the question commonly referred to as the onus of proof. I think everyone will admit that the people who framed the existing Pension Act intended that under it every applicant for pension should be given the fullest possible measure of benefit of the doubt. I think it is equally clear that to-day a very substantial body of opinion, not confined to soldiers alone, believe that the Pension Act in that respect has failed; that the men to-day are not, for some reason, receiving the benefit of the doubt that they ought to receive. I think this committee is expected to suggest a remedy for this situation. Remedies lie in two directions, either by way of reorganized administration or by legislation. The position, I think, that we in the Legion wish to make clear to the Committee is that while we most emphatically desire that the Pension Act be amended in such a way as will carry out what it was intended to accomplish, nevertheless, we do not desire any legislation which will go any further than granting a full measure of benefit of the doubt. It is necessary to say that because there seems to have been created an illusion that the soldiers have in mind legislation of such a nature that gets entirely away from the intention of the Pension Act which, after all, is a pension for war disability and for deaths resulting from war disability and means legislation opening up a new field of pensions based on service alone and not upon disability. I think that one of our purposes here to-day is to make it clear beyond any shadow of doubt that such an idea is not in our minds at all and never has been; that such amendment as will satisfy us will be on that will, as I previously said, give to the men the benefit of the doubt which I believe he is not getting to-day and which we think he ought to get.

Colonel LaFleche reminds me that there is a resolution included in our program which may be of assistance to the Committee in that regard. In order to save time Colonel LaFleche asked me to read it to the Committee and to file with you, sir, a resolution which was passed yesterday at a joint meeting of the federal organizations represented here, by which we propose to offer our services. We propose a method of offering our best assistance in helping the Committee to arrive at conclusions. The resolution is:

"That if asked to suggest a formula which will give the benefit of doubt, the members of this delegation suggest that the chairman state—that is Colonel LaFleche states—that we would prefer to appoint a small committee of three to meet a subcommittee of the Special Parliamentary Committee to discuss possible amendments which would give effect to the general policy recommended.

Such committee from the delegation to be selected by the Heads—that is the presidents—of delegations here represented."

Mr. MACLAREN: What do you suggest this committee would do?

Mr. BOWLER: The intention of it is that if the committee so desires, the heads of the different organizations here will name a subcommittee of themselves to confer with any subcommittee that you gentlemen choose to appoint, if that would be of assistance in arriving at a satisfactory conclusion.

Mr. MACLAREN: What is your object when you do that?

Mr. BOWLER: If it is decided to attempt to meet the question by way of an amendment to the Pension Act, we are suggesting that our subcommittee would be glad, if they are asked, and if they could be of assistance, to put their services at the disposal of the committee on this particular point, of the onus of proof.

Mr. BLACK (Yukon): Has not the Legion already got amendments to offer for that? Is Colonel LaFleche not going to offer an amendment?

Colonel LAFLECHE: I hoped to save time, Mr. Chairman, we have no amendment, or no phraseology, no formula to offer this committee in so far as the onus of proof is concerned. If the committee desire to recommend to the House a formula for that purpose, then we have the honour to offer to the committee three of our legal men to confer with, say, a subcommittee of this committee.

Mr. BLACK (Yukon): You have not the amendment prepared yet?

Colonel LAFLECHE: No, we have not. We are prepared however, to work on it if you wish to ask us to do it.

The CHAIRMAN: We meet to-morrow morning at 11 o'clock. I would suggest to the members of the committee that we discuss this resolution from the soldier bodies at our meeting to-morrow, the first thing, and see whether or not the committee will accept the suggestion of naming a subcommittee to meet with the soldiers' subcommittee in order to see if we can draft some such amendment to the Act as we all hope.

Sir EUGENE Fiset: I understand that the Pension Board themselves had some suggestions to make on the point, I understood that from the Minister the other day, that they were prepared to make some suggestions on that special point.

The CHAIRMAN: Not as to the onus of proof; rather as to amendments to the Pension Act, I understood. However, we will find that out by to-morrow morning. We will meet in Room 429.

The Committee then adjourned until Friday, March 28, at 11 o'clock a.m.

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*Pensions and Returned Soldiers
Problems, Special Cttee 11 1930*

SESSION 1930

HOUSE OF COMMONS

GOVT PUBNS

SPECIAL COMMITTEE

ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3—FRIDAY, MARCH 28th, 1930

Communications and Resolutions—The Chairman.

Evidence:—Mr. J. R. Bowler, of the Canadian Legion, B.E.S.L.; Colonel Thompson and Dr. Kee, of the Board of Pension Commissioners.

Appendix No. 1—Statement submitted by Dr. G. B. Peat, Provincial Command of New Brunswick, Re Percentages of Pensions, etc.

Appendix No. 2—Communications and Resolutions ordered to be printed.

MINUTES OF PROCEEDINGS

COMMITTEE ROOM 429,

HOUSE OF COMMONS,

FRIDAY, March 28, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Arthurs, Black (*Yukon*), Fiset (Sir Eugene), Gershaw, Hepburn, Ilsley, McGibbon, MacLaren, McLean (*Melfort*), Manion, Power, Ross (*Kingston City*), Speakman, and Thorson—15.

Honourable Senators present: Messrs. Belcourt, Black, Gillis, Graham, Griesbach, Hatfield, Lewis, Macdonell, and MacArthur.

In attendance: Commissioners of the Pensions Board of Canada, Officers of the Dominion Executive Council, Canadian Legion, B.E.S.L., and Representatives of various ex-Soldiers' Organizations.

The Chairman informed the Committee that he had received a number of communications, copies of which have also been received from the Department of Pensions and National Health, which were ordered to be printed. *See Appendix No. 2* contained herein.

The Chairman also informed the Committee that he had received:—

(1) A case submitted by Mr. A. W. Neill, M.P., dealing with pensions for long service in the Canadian Militia.

(2) Copy of Resolution by the Imperial Order Daughters of the Empire, regarding immediate revision of the pension administration, transmitted by the Prime Minister's Private Secretary, Mr. Baldwin.

(3) Letter from Hon. J. H. King, Minister, relating to a discussion of section 10, subsection 3, of Bill No. 19, an Act respecting War Veterans' Allowances.

(4) Letter and Resolution from the President of the National Council of Women of Canada, Mrs. J. A. Wilson, dealing with sections 13 and 32 of The Pension Act.

(5) Copy of Resolution from the Legislative Assembly of Manitoba, dealing with the conditions of many soldier settlers and suggesting a remedy therefore.

The Chairman directed the attention of the Committee to the importance of appointing, and did appoint the following sub-committees:—

(1) Procedure and Agenda,—Messrs. Black (*Yukon*), McPherson, Speakman, and the Chairman.

(2) Soldiers' Land Settlement,—Mr. McLean (*Melfort*), and Mr. Speakman.

(3) Communications and Resolutions received,—Messrs. Adshead, Ilsley, and McGibbon.

The Chairman proposed the name of Mr. McPherson to be Vice-Chairman of the Committee. This was unanimously approved.

The Committee then proceeded to consider the advisability of authorizing the Canadian Legion to employ counsel in connection with matters submitted by the Legion and to assist in the preparation of its case.

Mr. Manion moved that such authority regarding the employment of counsel for the Legion be obtained. Motion carried.

Suggested amendments to The Pension Act was the next order of Business. Messrs. J. R. Bowler for the Canadian Legion, Colonel Thompson and Dr. Kee for the Board of Pension Commissioners were heard. *See Minutes of Evidence.*

At one o'clock the Committee adjourned until Tuesday, April 1, at 11 a.m.

MINUTES OF EVIDENCE

COMMITTEE ROOM 429,

HOUSE OF COMMONS,

FRIDAY, MARCH 28, 1930.

Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Chairman, Mr. C. G. Power, presiding.

The CHAIRMAN: I have a number of communications, first, a resolution passed by the National Council of Women. I think that these had better be printed.

Mr. ADSHEAD: They will go in the report?

The CHAIRMAN: Yes Dr. King, Minister of Pensions and National Health forwards the same resolution. Mr. Neill, M.P., submits a case for the consideration of the committee dealing with pensions for long service in the Canadian militia. I think perhaps the best thing to do with this is to have the Clerk of the Committee request the Department of National Defence to prepare and submit a memorandum on this situation.

We also have a letter from the secretary of the Prime Minister forwarding a resolution from the Imperial Order Daughters of the Empire, National Executive Council. A resolution submitted by the province of Alberta and a communication from the Widows, Wives and Mothers Great Britain Heroes Association, and organization of Canadian women. I have a resolution from the legislature of Manitoba. This resolution was forwarded to the Minister of the Interior and then sent down to the committee.

We have now about reached the point where we should choose the sub-committee. Last year we had a sub-committee on procedure and agenda, composed of Messrs. Speakman, Black (Yukon), McPherson and the Chairman. We will appoint the same committee this year. There is also the sub-committee on soldiers' land settlement, composed of Mr. McLean (Melfort) and Mr. Speakman; and we will have them act this year. I think we had better have a committee on communications, and I will ask Messrs. McGibbon, Ilsley and Adshead to act in that capacity.

Yesterday at the close of our proceedings Mr. Bowler, representing the Associated Boards of Returned Soldiers, presented a resolution requesting the appointment of a small committee of three members from their organizations to meet a sub-committee of this special parliamentary committee to discuss possible amendments to the Pensions Act. We are here to receive the suggestions from the Legion, and this resolution proposes that we should make suggestions to them. I think the Legion should submit their proposals to us. They propose to discuss the legislative program and they want to bring up some twenty points.

Mr. ADSHEAD: They suggest a legal man to draw up the proposed amendments and this committee decided that Colonel Biggar should be appointed to do that. There will be no necessity for this committee to do that now if that is the object of that proposal.

The CHAIRMAN: It is proposed authority is to be given for the Legion to employ counsel, and the opinion uppermost in our minds was that he should find the formula and present it to this committee. I think for the time being consideration of the resolution from Mr. Bowler should be left in abeyance.

I suggest that Mr. McPherson should be appointed vice-chairman of this committee, so that we will have someone to act in the absence of the chairman. Now as to the appointment of counsel for the Legion. The last occasion on which the employment of counsel was allowed was in connection with the committee on the customs inquiry. That appointment was made through motion from the committee subsequently submitted to the House of Commons. If it is though advisable we can do the same thing now. Will somebody move that the Legion be authorized to employ counsel to assist in the preparation of its case?

Mr. ADSHEAD: Have the Legion asked for it?

COLONEL LAFLECHE: Mr. Chairman, I make that request now.

Hon. Mr. MANION: I make the motion.

The CHAIRMAN: All right, the motion is carried. I suppose we had better proceed now to hear some of the witnesses.

COLONEL LAFLECHE: Mr. Chairman, I would like Mr. Bowler to be heard on interim suggestion No. 2—removing the time limit on applications of widows and dependents.

Mr. J. R. BOWLER (General Secretary, Canadian Legion of the B.E.S.L.): The first thing, Mr. Chairman, which is referred to as No. 2 on the interim list of subjects, which was handed to the committee yesterday, has to do with section 13 of the pension act. Section 13 is the one which imposes restrictions in time upon applications for pension, and many members of the committee will remember that the same subject received attention in 1928, and as a result of the recommendations of this committee in 1928, an amendment was passed which abolished the time limit in so far as applications by soldiers were concerned for pensions for war disability, but the restrictions still remain as to dependents of soldiers who have died from war disability. The section No. 2 as amended now, reads:

A pension shall not be awarded in respect to the death of a member of the forces unless application therefor has been made—

- (a) within three years after the date of the death in respect of which pension is claimed; or
- (b) within three years after the date upon which the applicant has fallen into a dependent condition.

Inasmuch as the arguments in support of the recommendations of the Legion were gone into very thoroughly in 1928, and are recorded in the 1928 committee proceedings, it perhaps will not be necessary to go into our reasons so extensively as might otherwise have been necessary. Perhaps I should say, for the information of the committee, that on pages 2 and 4 of the 1928 committee proceedings and also pages 388 to 392 inclusive, a record of the discussions will be found; both the arguments of the Canadian Legion and the replies thereto by the Board of Pension Commissioners. Touching on our contention, briefly, I think the point was made in 1928 that while we recognized that in the business world and in carrying out commercial transactions and so on, some form of time limit had been found necessary. In other words, people that slept too long on their rights would lose them. Nevertheless, our opinion was that a principle of that sort really has to have a place in the Pensions Act, particularly when delay in making application is more likely to be based upon some very meritorious ground. For example, a person may only as a last resort look to the State for assistance. That person may carry on as long as possible from the most worthy motive, and in so doing come within the restriction of the statute.

The CHAIRMAN: Pardon me, this refers only to dependents.

Mr. BOWLER: Yes.

The CHAIRMAN: Section 13 reads as follows:

13. A pension shall not be awarded unless an application therefor has been made
- (a) within three years after the date of the death in respect of which pension is claimed, or
 - (b) within three years after the date upon which the applicant has fallen into a dependent condition.

In your example, I assume the applicant, who is a widow, has fallen into a dependent condition. So that the three-year period is not a bar there until she has fallen into a dependent condition, and you cannot reasonably say that she should take three years to make up her mind. Three years is a long time to give her to make up her mind as to whether or not she will apply to the State for assistance, after she has become dependent.

Mr. BOWLER: Our general practice is this, that where an applicant satisfies every other provision of the Pension Act in regard to entitlement, we do not think that a mere time limit should operate. That is the basis of our contention.

The CHAIRMAN: But your example did not quite apply, did it?

Mr. BOWLER: I see your point; but it might conceivably be ignorance.

The CHAIRMAN: In any case, it is quite clear from the Act as it stands now that a widow who becomes dependent some time after the death of her husband has three years from the time in which she becomes dependent to make her application.

Mr. ADSHEAD: No matter how long it is after she has fallen into that dependent condition.

The CHAIRMAN: That is my interpretation of the Act.

Mr. McLEAN (*Melfort*): Would it not be well to have the interpretation of it from Colonel Thompson from time to time as we go along.

Colonel THOMPSON: The section as it stands at present is unsatisfactorily drawn. I am not suggesting that the time limit should be removed or should be continued, but I do say that the statute is not satisfactory. The point Mr. Bowler was making is this: a widowed mother has lost her son overseas; she may have four or five married children. Under the statute those children are not to be considered. Unmarried children are to be considered. But supposing she has four or five married children, and in her pride she refuses to apply for a pension; she is supported by them, although she has no income whatsoever. One of the sections says that dependency in Canada is \$60 a month income, either asset or income derived from them. She was not totally dependent upon the son, and she has \$60 a month taken into consideration. That is taken into consideration under the prospective dependency clause. But where a widowed mother has no income, and she is supported by those five married children for four, five or ten years, then they find themselves in the condition in which they are not able to support her and she applies for a pension; as the wording of the statute now stands, she is barred from applying, because she has been dependent all that time.

Sir EUGENE Fiset: And that also applies with regard to the increase of the pension she receives, if she ceases to be supported by some of her sons afterwards.

Colonel THOMPSON: What is that, again?

Sir EUGENE Fiset: Supposing a widow received a pension of \$25 a month, instead of \$60, because she was supported by one or two sons during the time she was receiving pension, and supposing the sons refused to support her, she has a right to go to the Board.

The CHAIRMAN: Colonel Thompson's point is that she was in fact dependent, and she was being voluntarily supported by her sons. She was a dependent under the statute. Because she did not make a claim within three years after she first became dependent, she is barred.

Mr. BLACK (*Yukon*): That seems to me to be a very narrow interpretation of the statute.

The CHAIRMAN: But it is an interpretation.

Colonel THOMPSON: The section is unsatisfactorily drafted. I am not asking for the elimination of the time limit. On the other hand, one meets with a number of instances where there are no children left to support the mother, and there is the question of proof or disproof one way or the other. I think that is the point Mr. Bowler is attempting to make.

Mr. ROSS (*Kingston City*): There are some that came in by the amendments to the Act who could not get pension before; but by certain amendments they will come in under the Act. Will they be debarred?

Colonel THOMPSON: Their rights would be revived by the remedial legislation.

The CHAIRMAN: We will ask the Legion counsel to draft an amendment along the lines suggested by the Legion in order that we may have it for our consideration. The Committee understands what the objection has been to the granting of pensions, and we will try to get over it if we can.

Mr. BOWLER: Colonel Thompson is going to deal later on with items Nos. 3 and 4. They have to do with the pensions for widows who were married after the appearance of the disability and removal of the ten-year time limit. My next point is No. 5.

The recommendation in connection with No. 5 has to do with section 33, subsection 3, of the Pension Act. It is as follows:

That Section 33, subsection (3) of The Pension Act be repealed and the following substituted therefor:—

When an application for pension is made by a parent or person in the place of a parent who was not wholly or to a substantial extent maintained by a member of the Forces at the time of his death but has subsequently fallen into a dependent condition, such application may be granted if the applicant is incapacitated by physical or mental infirmity from earning a livelihood unless the Commission obtains or has produced to it substantial evidence of estrangement or of definite intent to withhold or refuse support.

At the present time the section dealing with that subject is as follows:—

3. When a parent or person in the place of a parent who was not wholly or to a substantial extent maintained by the member of the forces at the time of his death, subsequently falls into a dependent condition, such parent or person may be awarded a pension provided he or she is incapacitated by mental or physical infirmity from earning a livelihood, and that in the opinion of the Commission such member of the forces would have wholly or to a substantial extent maintained such parent or person had he not died.

The whole gist of our recommendation has to do with those last few words.

The CHAIRMAN: In other words, in this section it gives a certain discretion to the Board of Pension Commissioners in the matter of the award, and you want to take that away. This is a proposal to make a hard and fast rule that under certain circumstances the Board of Pension Commissioners must award pensions. Is that your understanding of it?

Colonel THOMPSON: In all circumstances where the son was killed, the parents would be pensioned, unless the Board can prove there was an estrangement. It amounts to a pension in all cases, practically, where the son is killed overseas.

Mr. GERSHAW: Why not leave out the clause about estrangement having taken place?

Mr. BOWLER: That would meet the objection raised in the evidence that was put in before the Pensions Board when the subject was discussed in 1928, namely, that under the ancillary proposal the Board would not be obliged to pay pension to the parents of sons where there was an estrangement or where there was evidence of non-intention to support. I imagine there are extremely few cases of that, but that was cited in the first instance.

Mr. McLEAN (*Melfort*): Even if there was an estrangement at one time, it does not necessarily follow that it would continue forever. And furthermore, in any province the son is responsible for the support of the parents if he is able to do it at all; estrangement would not apply in that case.

Colonel THOMPSON: The largest number of cases which would be admitted under this proposed amendment, is where the son had left home—Ontario, Quebec or New Brunswick—and went west some years before the war, enlisted and was killed, and the parents did not know whether he was alive or dead until he had been killed. That is the type of case that would be admitted.

Mr. BOWLER: It might assist the Committee to know that the discussion on this point in 1928 will be found at pages 60 and 432 to 455 of the 1928 proceedings.

Mr. BLACK (*Yukon*): Have any cases of this nature come to the attention of the Legion, where parents have applied to get pensions after the deaths of their sons with whom they were out of touch before the war?

Mr. BOWLER: No, but I say that there are many cases coming to the attention of the Legion and soldier organizations where parents failed to satisfy the Board of Pension Commissioners under the section as it stands at the present time.

The CHAIRMAN: The original Act laid it down very clearly that only the parents who had actually been supported by the son before he went overseas would receive pension. This prospective dependency clause has enlarged that, and now it is proposed to enlarge it still more to give a pension practically of right to the parents who are in a dependent condition, without evidence as to the real or potential support given or support that would have been given by the son.

Mr. ROSS (*Kingston City*): Do they not take the reverse action? They charge against every son 10 per cent, or a certain percentage, against a full pension.

The CHAIRMAN: Colonel Thompson, will you explain what is meant by a dependent condition?

Colonel THOMPSON: The statute provides \$60 for a totally dependent parent and \$75 for a mother and father.

The CHAIRMAN: What condition must these parents be in in order to qualify for dependency under your ruling and under the regulations of the Statute?

Colonel THOMPSON: It depends upon their state of health. If the man is not disabled at all, he is not entitled to pension.

The CHAIRMAN: You take into consideration their income up to a certain point.

Colonel THOMPSON: In the case of a single parent, up to \$60 income or ability to work. If it is a parent fifty years of age with no disabling condition, he is not entitled to a pension.

The CHAIRMAN: Do you take into consideration future earnings?

Colonel THOMPSON: Yes; supposing he is 50 per cent disabled and earning \$30 a month, he would not be entitled to pension.

The CHAIRMAN: But they own their own homes, is that right? If they own their own homes, you do not make a deduction?

Colonel THOMPSON: In the case of a father we do; in the case of a mother we do not.

The CHAIRMAN: It is a matter of discretion.

Colonel THOMPSON: Yes.

Hon. Mr. MANION: Fifty per cent disabled and earning \$30 a month, what does that mean?

The CHAIRMAN: If he earns \$30 a month he is presumed to be able to earn \$30 more, if he works; is that right?

Colonel THOMPSON: Yes, because \$75 is supposed to be the pension for a disabled man.

Hon. Mr. MANION: If he is 50 per cent disabled and is earning \$30, it is presumed that he cannot earn more than \$30.

Mr. MCGIBBON: Do you mean an independent income of \$30?

Colonel THOMPSON: Yes; and 50 per cent disabled.

Mr. ROSS (*Kingston City*): May I ask what happens if there are other children?

The CHAIRMAN: What arrangements are made if there are other children? What deductions are made in that case; how do you proceed if there are other children living?

Colonel THOMPSON: Unmarried children, \$10 a month for each one. That is the statute.

The CHAIRMAN: For all children?

Colonel THOMPSON: No, for unmarried children.

Mr. ROSS (*Kingston City*): That is my point.

The CHAIRMAN: For female children, too?

Colonel THOMPSON: Yes.

Mr. ROSS (*Kingston City*): If they deduct \$10 on the assumption that the boy at home should contribute that much, is there not the assumption that the boy killed would have provided that much?

Colonel THOMPSON: Yes, if he were living.

Mr. BOWLER: There is a point I should like to have on record. The difficulty as it has appeared to us in connection with the cases is that the Pensions Board, as we see it, usually requires proof that the boy assigned his service to the parents. If they have that information, you can usually establish your case. If you have not been able to get that fact, then it matters little what other evidence you have got, you are not likely to establish your case. I say that in no critical sense, but we have found it to be a fact.

Colonel THOMPSON: I take it that that is not so. There are hundreds and hundreds of instances where the man has not assigned pay, but they produce a letter showing that he sent in a contribution of \$5.

The CHAIRMAN: On the strength of that you grant a prospective dependency?

Colonel THOMPSON: Yes, showing an intention to support.

Mr. ROSS (*Kingston City*): That is difficult to prove. If letters were lost it would be difficult for a parent to show a letter in which they received money.

The CHAIRMAN: I think the Committee understands the nature of this suggestion; we will proceed to the next point.

Mr. BOWLER: I want to put on record the fact that as I understand it, in at least two provinces of the Dominion the law requires that the son shall support his father. We are suggesting that the same principle should be applied in connection with this recommendation. I also wish to put on record the fact that this recommendation is only going to affect people who are getting on in years, the parents of men who fought and who are no longer young, and the liability of the country. If this recommendation is given effect, while it may involve substantial numbers, in the first instance, certainly it will not last many years.

Mr. ADSHEAD: Are you satisfied that the amount of \$60 for one parent and \$75 for two is sufficient?

Mr. BOWLER: I am not prepared to discuss that phase of it at the moment, but I will at a later stage of proceedings, if you wish.

Mr. THORSON: May I go back to the previous representation of the Legion in regard to time limits, and ask Colonel Thompson whether there would be legislation to the effect, if the time limit is struck out.

The CHAIRMAN: To revert to the question of time limit, would there be many cases covered by the proposed amendment?

Colonel THOMPSON: Not many, up to date, but the number would gradually increase.

Mr. BOWLER: Paragraph 6 and 6a are to be dealt with by Mr. Barrow.

We will consider No. 7, a recommendation as to the question of deduction for pre-enlistment disability. The resolution is:

That in cases where deduction for pre-enlistment disability is permissible under the Act, such deduction shall not exceed ten per cent, unless greater percentage of disability was obvious on enlistment, obvious within the meaning of the Act.

This recommendation protects a member of the forces from excessive estimation of the degree of pre-enlistment disability. It is reasonable that no man accepted for service should be regarded as having had more than 10 per cent disability.

Mr. BLACK (*Yukon*): I would respectfully suggest that the Chairman of the Pensions Board should sit at the head table, so that we can hear him.

Mr. BOWLER: I may say, Mr. Chairman and gentlemen of the Committee, that this resolution arises from the substantially large number of cases encountered by us in our experience, where the estimate of pre-enlistment disability has appeared to be exceptionally high. No doubt members of the Committee have encountered cases of a similar nature.

Broadly speaking, our recommendation is based on the principle that if the man is accepted, after medical examination, and found to be fit for service, he should be estopped from later on denying that he was fit at that time. At the same time, we do not ask for a strict application of that principle. Realizing that in so doing many deserving cases might be prejudiced. We are only asking for it in a modified form. Members of the Committee who have served on previous committees will recognize that this subject is by no means new. In looking back I find that the question was considered in 1918. If I may, sir, I should like to quote from the report of the Ralston Commission, as published in February, 1923.

At page 53 of the proceedings of the Ralston Commission they had occasion to examine this particular principle. The record reads:

On February 12, 1918; the following ruling was made by the Pensions Board:

In the opinion of the Board of Pension Commissioners, Canadian Pension Regulations intend benefit of every doubt to be given pension applicants, especially if dependents are concerned. Therefore, most disabilities, or death, becoming apparent during service, are fully pensionable (fraud, gross errors on enlistment, and improper conduct excepted).

Cases of aggravation of conditions pre-existing enlistment (and of disabilities from improper conduct) will be considered individually. If applicant was apparently healthy at (and for some time before) enlistment and during more than three months of service, deductions for pre-existence of disability will be insignificant. This instruction to rule pending new legislation by next Parliament.

On April 2, 1918, the following regulation was made:

It was resolved that disability or death, found to have been due to the aggravation of a condition which pre-existed enlistment, is pensionable as if wholly due to service when:

- (a) the pre-existing condition was neither apparent nor wilfully concealed at enlistment, and did not become apparent for a reasonable time thereafter; or
- (b) the pre-existing condition, though apparent at enlistment, was considered to be negligible.

On May 10, 1918, Mr. Archibald, the legal advisor, wrote on behalf of the Pensions Board to the Hon. Mr. Rowell, the Chairman of the 1918 Parliamentary Committee, quoting the above suggestion of the Great War Veterans' Association and stating that it had already been considered by the Pensions Board and approved with modifications, and quoting the following amendment of the Pension Regulations, which had already been submitted by the Pensions Board to the Parliamentary Committee for consideration:

That pensions be payable whenever a disability becomes apparent more than three months after enlistment or enrolment of a member of the forces, provided that no pension be awarded for that portion of a disability which existed at the time of enlistment or enrolment and was wilfully concealed or was apparent or became apparent before the expiration of three months from the date of enlistment or enrolment.

The Special Parliamentary Committee considering that recommendation reported as follows, on May 20th, 1918:—

That no deduction should be made from the pension of any member who has served in a theatre of actual war, other than the United Kingdom, on account of any disability or disabling condition existing prior to enlistment, provided that the pre-enlistment disability or disabling condition had not been wilfully concealed by the said member, or was not obviously apparent in said member at the time of enlistment.

In 1919, when the Pension Act came into being, a section was included, very much in line with that finding of the Parliamentary Committee. The section made it clear that no deduction for pre-enlistment disability should be made in a case where a soldier had served in a theatre of actual war, unless the pre-enlistment condition was obviously wilfully concealed, congenital, or not of a nature caused from service.

The CHAIRMAN: Do I understand that is in the Act?

Mr. BOWLER: That is the effect of the Act to-day.

The CHAIRMAN: In so far as service in a theatre of actual war is concerned, your recommendation does not apply.

Mr. BOWLER: I want to make it clear; our recommendation is not to be considered as disturbing in any way any existing rights enjoyed by anybody.

The CHAIRMAN: Section 11 of the Act provides:—

(b) no deduction shall be made from the degree of actual disability of any member of the forces who has served in a theatre of actual war on account of any disability or disabling condition which existed in him at the time at which he became a member of the forces; but no pension shall be paid for a disability or disabling condition which at such time was wilfully concealed, was obvious, was not of a nature to cause rejection from service, or was a congenital defect;

That is the law as it reads at the present time. You propose to extend it to those who did not serve in a theatre of actual war.

Mr. BOWLER: The recommendation is simply to the effect that those pensioners not enjoying the protection to which I have referred be given a reasonable measure of protection as to the extent that may be deducted for a pre-war condition, and, of course, our recommendation is subject, again to any disability which may have been obvious on enlistment, such as, for example, and as we understand it, there are cases of men accepted into the army with wooden legs and glass eyes. We are not trying to attach any disability of that nature, we are trying to confine it to disabilities which are not more than 10 per cent.

Mr. McLEAN (*Melfort*): Am I to understand that only where disability was not over 10 per cent, you are asking for this consideration, only where the disability is not over 10 per cent?

Mr. BOWLER: No, we say in all cases deduction for pre-war enlistment disability shall not exceed 10 per cent unless there was a greater degree obviously present.

Colonel THOMPSON: Briefly, the situation is this. If a man was in service a day or a week and is then discharged, if he has 60 per cent disability under this proposed amendment, he would be pensioned for 50 per cent, or if pensioned to-day he would be pensioned for 50 per cent. At the present time the pensionable degree is taken, not of the nature of the injury or disease, but the combined length of service and the degree of the disabled condition existing at the time he was discharged. If a man had a disabled condition and served in the army for three or four years, and was then discharged, the amount of pension he would receive, supposing he was 60 per cent disabled at the time of discharge, the proportion he would receive is now considerable greater than the proportion the same man would receive if he had only served a month or two or three months under normal conditions.

Mr. McLEAN (*Melfort*): What definite scale do you work that out on?

Colonel THOMPSON: That is on the medical draft.

Dr. KEE: It depends considerably on the condition of enlistment. If a man had a blind eye on enlistment, and it got sore and had to be treated, it was 10 per cent, and then 30 or 40 per cent when he came out, he would get 10 per cent for aggravation.

Mr. McGIBBON: The time has not anything to do with it.

Dr. KEE: It should have in that case, but not so much in the case of heart disease or rheumatism.

Mr. McGIBBON: What scale do you use? How do you compute it; is there any uniformity?

Dr. KEE: We try to make it uniform, the commissioners decide the ratio. They take into consideration the report of his condition before he went into the army, the hospitalization in the army, the length of service and the kind of service. Then they decide one-fifth, two-fifths, three-fifths, a half, three-quarters, that is the way we arrive at it.

Hon. Mr. MANION: Suppose a man had been taken into the army here and got as far as England, where his battalion was boarded three or four months after getting there, the whole battalion was boarded. I know it was done because I have done quite a lot of it myself. This man is sent back because he never should have been accepted. He had a very bad rupture or very bad heart disease, or something else, and was sent back home. He had army training here and in England, but was shipped back because he was absolutely unfit. Would that man come under this recommendation?

Mr. BOWLER: If he were pensionable, this recommendation does not touch the man until the board has given him a pension. Our recommendation will then give him a pension, but you must not deduct more than 10 per cent for the pre-enlistment condition unless that condition was obviously more than 10 per cent before enlistment. In other words, the 10 per cent should be suggested as being a reasonable margin for error.

Hon. Mr. MANION: So these men would not come in, and there are thousands of them, unless they had already been given a pension?

Mr. BOWLER: Absolutely, our recommendation only applies to the condition for aggravation.

Mr. SPEAKMAN: It is a question of the scale of pension, not a question of attributability at all.

Mr. THORSON: Suppose you have a man with a quite serious heart condition, and that that heart condition is aggravated by service, say, in Canada or England, and a pension is granted to him and his total disability is 50 per cent. Does your suggestion mean that he is to be granted a pension on the basis of 40 per cent?

Mr. BOWLER: That is it exactly.

Mr. THORSON: Even though he had that 40 per cent on enlistment?

Mr. BOWLER: Yes, to be quite accurate, that is so; but we are working on the broad principle. There were actually a large number who did enlist and saw considerable service, but they did not get into an actual theatre of war, who had very much more than 10 per cent disability.

The CHAIRMAN: There is the man who enlisted and remained in Canada, and did fatigue work, who is now being pensioned because the disability was incurred or aggravated on service.

Colonel THOMPSON: A number did that.

Mr. THORSON: Under the resolution 40 per cent being given that man, you only include 10 per cent disability for aggravation, then you are only giving that man a 40 per cent pension?

Mr. BOWLER: I agree, Mr. Thorson, taking those facts actually as you state, that is so, but the point is the difficulty in determining the amount.

Mr. THORSON: Will that not result in many cases of men who did not see service in an actual theatre of war getting more pension than the corresponding case of a man who saw service in a theatre of war? Many of the men who did not get to France will get higher pensions, if this is carried into effect, than many men who went through the war.

Mr. BOWLER: That is true now, Mr. Thorson.

Mr. THORSON: But that will increase that class.

Mr. BOWLER: It may, but I think the line of reasoning would follow that had the same man gone to France he would have got a pension for the entire disability under the act as it stands at present.

Mr. MCGIBBON: Are you not making an arbitrary ruling in excluding your evidence?

Mr. BOWLER: It is based upon what we believe the difficulty in assessment. A man after having passed an examination into the army, and his medical record shows he was quite fit on enlisting, the task of assessing later on the disability that he had that time is very difficult.

Mr. THORSON: Pursue that further, take one case of a man perfectly fit and later he develops a heart condition. That man was accepted as perfectly fit at the time of enlistment, he served through the war and he now has a total disability of 10 per cent for heart condition, and he gets a pension on the basis of 10 per cent, that is, the man who served all the way through the war. Then take a man with a 40 per cent heart disability at the time of enlistment, and there are a number of such, who did not serve in a theatre of war, but that condition was aggravated by such service as performed a further 10 per cent so that the total heart disability at the time of coming in is 50 per cent, that man will get 40 per cent and the other man I have referred to will get 10 per cent, although the amount of the heart condition directly attributable to service is the same in each case.

Mr. BOWLER: I see your point, Mr. Thorson, assuming it is possible as stated by you the man was accepted as fit and sent to England, you are assuming it is possible to establish the fact that he had definitely 40 per cent heart disability at the time of enlistment. We say there is a great deal of difficulty in doing that, we say it is largely guess work, and we find a great many cases where pre-enlistment disability is as high as 75 per cent even though the man in service is rated 10 per cent.

Mr. ARTHURS: Is the experience of the board that they have no difficulty at all in finding the pre-enlistment disability?

Mr. BOWLER: I am not discussing it in a critical sense.

Mr. ROSS (*Kingston*): The point taken by Mr. Thorson is not right. You are putting this man on the same level as the man who went to France; you are not putting him at 40 per cent.

Mr. THORSON: You only deduct 10 per cent?

Mr. ROSS (*Kingston*): You are putting the man who went to France on the same level with him?

Mr. THORSON: You are giving 40 per cent more pension.

Mr. MCGIBBON: You are making a preferred class.

Mr. BOWLER: We are not applying the strict principle; if so you would have to let them all in, but 10 per cent margin for errors covers it.

Mr. MCGIBBON: But you make a class out of him among those who never got into the theatre of war.

Dr. KEE: That does apply to men suffering from tuberculosis. A man serves in Canada, he gets 10 per cent of his total if he does not report within three months.

Mr. MCGIBBON: Tuberculosis is a special class.

Hon. Mr. MANION: What about the case of a man who got to England and after being there three or four months was boarded as unfit, and there was no doubt he had some condition that was not obvious at that time? Would that man be eligible under this for pension?

Mr. BOWLER: If he were pensionable our recommendation would apply.

Dr. KEE: Unless we said there was no aggravation he would get within 10 per cent of his total.

Mr. BOWLER: Perhaps in the case of hernia it likely would be obvious.

Hon. Mr. MANION: There was a whole lot of sloppy medical examination. I do not mind stating that I examined battalions where nearly one-third of the men were unfit after they got to England. I am not saying that in any critical sense, it was a case that somebody raised a battalion in a hurry and the medical examination was done very sloppily. We had all kinds of men taken into the army who should never have been accepted here, and they were turned back.

The CHAIRMAN: They are subject to the question of aggravation, to a large extent.

Dr. KEE: Shell aggravation.

Mr. ROSS (*Kingston*): Suppose that man got to France—because we had to turn back dozens of them—what deduction?

Mr. BOWLER: If the pensions board is able to say that the condition was obvious or congenital, or wilfully concealed, or was in the nature of not being caused through service, then I am entitled to treat him as if he had not got to France, and they can deduct for pre-enlistment disability. There are cases where they have deducted considerably more than 10 per cent. Our recommendation, if you will study it, restricts that deduction.

Mr. ROSS: So there is not 30 or 40 per cent difference?

Mr. THORSON: No, I am just saying there would be 30 per cent difference in the case I have suggested.

Mr. BOWLER: We find the deduction for pre-enlistment disability varies so greatly, for example, I know many cases where the degree of aggravation has been assessed one-tenth, that is, nine-tenths of the condition are pre-existing, and one-tenth aggravation. In other cases there may be one-fifth or one-quarter—

The CHAIRMAN: Would you explain this?

Dr. KEE: That would depend on the man, his service and the hospitalization. If a man was a short time in Canada and had had a number of attacks of rheumatism before, then he took another attack a short time after he was in the army, when he admitted the former he would only get 10 per cent. I mean what he actually gets would be one per cent because the total he could get is 10 per cent, and nothing more. The ratio set at the date of discharge is followed throughout. The same ratio applies always.

The CHAIRMAN: Explain that more fully.

Dr. KEE: If a man comes into an army and on hospitalization gives the history, say, of attacks of inflammatory rheumatism; he has had two or three attacks running over a period of twenty years; if he is boarded within a few months and gives a history of these attacks and has another attack, and then probably in three weeks is let out of the hospital; we would rate him when admitted, say, fifty per cent, and he would get five per cent probably for aggravation. If he got less than fifty per cent that pension would discontinue, if over fifty per cent he would get five per cent; and if one per cent, it would be ten per cent rating. If he died the cause of death would not be related to the aggravation.

Mr. THORSON: In that case what would be the effect if this proposal were adopted?

Dr. KEE: If he came out fifty, he would get forty; when a hundred, he would get ninety. We would never take ten per cent if we admitted aggravation in the first instance.

The CHAIRMAN: That is the intention.

Dr. KEE: Yes, and eighty per cent pensionable for dependents.

Mr. ROSS (*Kingston*): How would you get evidence the man had hernia before he enlisted?

Dr. KEE: We do not get it unless stated by him before a medical board.

Mr. ROSS (*Kingston*): How would you get evidence as to inflammatory rheumatism?

Dr. KEE: He would state it.

Mr. ROSS (*Kingston*): That is, the man has to be the source to supply that evidence?

Dr. KEE: Absolutely.

Mr. MCGIBBON: How do you strike that ratio?

Dr. KEE: We strike the ratio by ascertaining the treatment before enlistment, the length of service, the nature of the condition and an impartial view of the matter with regard to how much the army service affected him. It would depend a great deal on what he was doing in the army. If a man is out on severe route marches and that sort of thing, and in some instances, had to be placed in a hospital, then he gets more.

Mr. MCGIBBON: How do you get your basic figures, how do you arrive at the degree of disability?

Dr. KEE: We have to arrive at it by the history of the case and the disability at the time of his discharge.

Mr. MCGIBBON: But you haven't any history.

Dr. KEE: Unless you get the history of the pre-enlistment condition on the documents, then we do not start out trying to find one.

Mr. ROSS (*Kingston*): May I ask the stenographer to read my question, a few minutes ago, and the answer? I asked on what evidence he based the pre-enlistment condition. Perhaps we had not better waste time now, I will agree to take what is on the record.

Mr. ARTHURS: On that line, Doctor, you stated to General Ross that you base your decision regarding pre-war condition on documents submitted by the man himself or certain admissions made by him at enlistment or later.

Dr. KEE: Throughout his service, at any time.

Mr. ARTHURS: If there are no admissions then how do you arrive at this pre-war condition?

Dr. KEE: If I had his history on service it would include, if he had a disease or if he had an eye out—

Mr. ARTHURS: I am not talking about a man who has an eye out. You say you base your decision upon facts given by the applicant himself or found in connection with his documents, but I know of many cases and so do you where men have been refused consideration on the ground that such condition was pre-war. Where do you get evidence in that case?

Dr. KEE: I do not know of many cases of that kind. I would like to see that case.

Mr. THORSON: Do you mean to say that in every case you decide that there is no pre-enlistment condition if there is no admission from the man?

Dr. KEE: Oh no, I do not say that.

Mr. THORSON: I want you to indicate—

Dr. KEE: The case of flat feet.

Mr. THORSON: I want you to indicate what course you go through and what examination you make to ascertain whether there is or is not a pre-enlistment condition. I understood you to say that you confine yourself largely to the statements of the man himself.

Some MEMBERS: Wholly!

Mr. ROSS (*Kingston*): Yes. The term "largely" was never used.

Mr. THORSON: That is not our experience.

Dr. KEE: That is not correct.

Mr. THORSON: I understood you to say that.

Mr. ARTHURS: Describe the procedure.

Dr. KEE: Suppose a man comes into the army, he enlists to-day and he carries on for, say, thirty days. He is examined and has far advanced tuberculosis, with cavities.

Mr. ARTHURS: That is an exceptional case.

Dr. KEE: That is a case.

Mr. ARTHURS: We can suppose a man has been in the army four or five years, or say one year. I have in mind the case of a man who was gassed in the first attack on Ypres, and was then taken prisoner and detained until the cessation of the war. In this case you set up that there was a pre-war condition. It is not admitted by the man himself, and there is nothing in any of his documents. How do you base your decision in that case?

Dr. KEE: I would like to see your case, Colonel.

Mr. ARTHURS: You have seen the case repeatedly.

Dr. KEE: If you give me the name I would be very glad to explain that case, I would bring the file over.

Mr. THORSON: The statement you made, that you rely upon the man's admission, is not correct.

Dr. KEE: I did not say, in all cases, surely.

Mr. ROSS (*Kingston*): I want to go further with Dr. Kee. I want him to tell what he does to get information about pre-enlistment condition. I can state that he gets some girl who goes to the family of someone who may perhaps be an enemy of the man applying for pension, and through some little domestic squabble information is given and accepted as evidence against the man. That goes down in spite of anything that can be produced by the man himself. I can give cases where this girl has gone from the man's home to other parties who for spiteful reasons give improper information, and that goes down as evidence.

Mr. MCGIBBON: Is that statement correct, what General Ross stated?

Dr. KEE: It is a broad statement.

Mr. MCGIBBON: Is that procedure followed out?

Mr. ARTHURS: Do you employ investigators?

Dr. KEE: We do employ investigators in a great many cases, but not necessarily any case where there is no history or no inference on the file.

Mr. ARTHURS: For what class of case do you employ investigators? Do not take one case; tell us the broad, general principle.

Dr. KEE: There must be a definite kind of case because one does not apply to the other.

Colonel THOMPSON: Where there is a strong inference that from the nature of the disease it must have been a pre-enlistment disability, that is where investigation is made. You do not want exceptional cases, but I will give one as an illustration of the type. We were put on the alert in this case with regard to fraud. A few months ago a man applied for pension with regard to the loss of

an eye. This man had been a prisoner of war, and when discharged was not awarded a pension. Why, I do not know, unless he considered he was not entitled at that time to it. In any event he did not apply until recently. That was a case where the man would have been entitled to something between \$4,000 and \$5,000. He said he lost his eye through injury received while in Germany. We made an investigation, and we found that that man had lost the sight of his eye before he enlisted, and he had waited until the business in which he had been engaged before the war had ceased to exist, and he thought that their books and records were destroyed. That is the type of case on which we use investigators.

Mr. ROSS (*Kingston*): I do not agree with that statement. In nearly every case that I have had an investigator has been employed. I am not objecting to the principle where there appears to be a good case. In the case just mentioned it is one that should be looked into, my objection is that in every little case that I have had an investigator was put on.

Dr. KEE: I would not say that, General Ross.

Mr. ROSS (*Kingston*): In every case I have had an investigator has been put on. I would not have any objection to that were it not that this party goes into trivial little things and the information is used to show pre-enlistment condition.

Mr. SPEAKMAN: I think we should have the files on that.

Mr. GERSHAW: How are the investigators chosen?

Colonel THOMPSON: They were departmental investigators until three or four months ago; part-time Department of Health and part-time Pensions Board employees. In some instances we had full-time investigators but they were all transferred from the Department of Health. I think in practically all cases only men were used.

Dr. KEE: We have some ladies.

Mr. GERSHAW: Give us about how many investigators.

Dr. KEE: In the smaller offices, one investigator; in the larger offices, two; in Toronto, Winnipeg and Vancouver, there are two each.

Colonel THOMPSON: We had one in each province, and with the exception of Toronto, Vancouver and Winnipeg, we have one and a half.

Mr. GERSHAW: About twenty in the Dominion?

Colonel THOMPSON: More than that.

Mr. MCGIBBON: It is only pre-enlistment disabilities you investigate?

Colonel THOMPSON: No, all dependent parents.

Mr. BOWLER: Perhaps if I might recapitulate for a moment, I might clear things up. It is in those cases where the assessment of pre-enlistment disability is of necessity an arbitrary decision; those are the cases that we have recorded. It was a record there, something to work from, and then we think we are entitled to assess whatever the record shows. But if there is no record, and if it is arbitrary, we think there should be limits to the extent that they can go in deducting for a pre-enlistment disability. We are suggesting 10 per cent as a reasonable figure; we are not necessarily bound to it, but we throw it out as a suggestion to this Committee.

The CHAIRMAN: We are back to the same principle of whether you want to take away the discretion from the Board of Pension Commissioners, and tie them down to a hard and fast rule.

Mr. MCGIBBON: We have been travelling in a circle, more or less, for ten years.

The CHAIRMAN: We give discretion to the Board of Pension Commissioners one year, and then next year we say, "No, they must be forced to do such-and-such a thing." Personally, I am getting tired of it. I should like to give them discretion for the whole thing.

Mr. BOWLER: This recommendation approaches a fact which might not appear on the surface, and that is that it has relation to, or affects, cases where death results from a condition aggravated through service, and as to the relationship of death to that aggravation. Under the statute, and the practice as it is to-day, it must be found that death resulted from aggravation, as distinguished from the entire condition, before the dependents are pensionable.

Sir EUGENE Fiset: What particular paragraph are you referring to?

Mr. BOWLER: No. 7. That is the one in which we ask that pre-enlistment disability shall be limited to 10 per cent. Perhaps some of the members of this Committee will remember that the question was discussed in 1928, and it appears at page 45, page 381 and page 473. Full discussions will be found at those pages. I want to refer, if I may, to one particular case. The case I have in mind is one where, after two years' service, a man was found to be suffering from tuberculosis, and on discharge his condition was found to be 100 per cent disability, for which he was awarded 50 per cent for aggravation.

Throughout the next ten years this man was boarded on three different occasions, and on each occasion the assessment remained the same, namely, 50 per cent award for aggravation, and an entire disability of 100 per cent. Last year he died, and the widow applied for pension. Perhaps you will remember it, if I quote from page 382 of the proceedings of 1928. Dr. Kee, in discussing this plan, said as follows:

I might say that the practice of the Board in that if it is 50 per cent aggravation, if a man comes off service with a 20 per cent disability resulting from a pre-enlistment disease, let us call it heart condition, a 20 per cent heart condition pre-enlistment, and his service was short, how he would be pensioned would depend upon his service, as to whether the pension would be for practically the whole of the disability or a part of his disability. Supposing his service was such that the Board considered when he was discharged from the forces that out of the total condition the aggravation was 50 per cent, and his total heart condition was 20 per cent, and that it was due to the service, the aggravation, if he eventually died of that heart condition, we would pension his widow with relation to the service.

In effect, it says that if the aggravation is one-half of the entire disability the Board would give the widow the benefit of the doubt and would rule that death resulted from aggravation, and award the pension accordingly. There is a case to which I am referring, where there were thirteen boards over a period of ten years. The Board ruled that aggravation was 50 per cent. After he died the widow applied for pension and the Board proceeded to change the assessment, and decided the pre-enlistment disability was 75 per cent, pensionable 25 per cent, and therefore death was not due to aggravation. I merely state that is one reason why a recommendation of this nature was made.

The CHAIRMAN: You will get the name of that case?

COLONEL THOMPSON: Yes, that may be true; I cannot say. I cannot make a statement until I see the facts of the case. There are a number of instances where a man has a bad heart condition, and he was pensioned too highly for it, to too high a degree. It was found that it was a pre-enlistment syphilis, and he did not serve in a theatre of war. He was pensioned, receiving in error several thousands of dollars during his lifetime. That is why the widow would not be pensioned.

The CHAIRMAN: In this case, the man is supposed to have had thirteen boards; we had better see that case.

Mr. THORSON: I think we should have the opportunity to study the file of that case.

Mr. BOWLER: I should like to make it clear that this was not a case of syphilis, it was tuberculosis.

Colonel THOMPSON: I merely used that term as an illustration.

Mr. BOWLER: The next paragraph in the recommendations is No. 8. It has to do with section 25, and the subject of commutation. It is exactly in line with the recommendation we put forward two years ago.

Colonel LAFLECHE: We were requested to provide twenty-five copies of these resolutions, and we find that that number is not sufficient. The twenty-five we had have been distributed for the information of the Committee. May I add that we have the Chairman and the Chief Medical Officer of the Pensions Board with us, but there are two other Commissioners of the Board in attendance. They might be able to give some further information.

The CHAIRMAN: Colonel Thompson told me a minute ago that he was quite prepared to let Dr. Ellis speak; I assume, however, that since Colonel Thompson is the Chairman, he would be in the best position to speak for the Board. Dr. Ellis is here; is Mr. McQuay here?

Mr. THORSON: I should like to know where the other Commissioner is.

The CHAIRMAN: There were no instructions given that he should be here.

Mr. THORSON: Has he been sent for?

The CHAIRMAN: I do not think he has been asked for. I have not requested the presence of the Board of Pension Commissioners, but if the Committee so desires we will ask Colonel Thompson to see that all members attend.

Mr. THORSON: Is the other Commissioner in Ottawa?

Colonel THOMPSON: I think not.

Mr. THORSON: Where is he?

Colonel THOMPSON: I have no definite information, but I think he is at Mount Clemens or Battle Creek.

Mr. THORSON: How long has he been absent?

Colonel THOMPSON: About ten days.

Hon. Mr. MANION: Is it reasonable to expect the whole Pensions Board to be here? They have work to do, and the Chairman of the Board is here.

The CHAIRMAN: I assume the Chairman speaks for the Board, and Dr. Ellis is also here.

Hon. Mr. MANION: We must be reasonable in these things.

Mr. BOWLER: Referring to recommendation No. 8, we find it reads as follows:

That Section 25 be amended to provide that all members of the forces who have accepted final payment in lieu of pension shall, upon complaint, be re-examined and, if a disability remains, shall be restored to pension as from the date of commutation; and that there shall be deducted from the arrears of pension so created and from future payments of pension the amount of the said final payment; provided that the deduction from future payments of pension shall not exceed fifty per cent of the pension payable.

That is the recommendation. The present statute does not permit a further award to a pensioner who has commuted with disability of 15 per cent, even though disability persists for fifty years. In a number of instances the pensioner received even less than the actual amount of commutation payment because war disability would disappear in one or two years. This is designed to remedy the whole situation by nullifying the final award where disability is still present.

The CHAIRMAN: We have given a certain number of men a hand-out, and have had them come back to us a few years afterwards asking for more pension.

Mr. BOWLER: The discussion in 1928 is to be found at pages 52 and 451 of the proceedings. At that time the matter was gone into in detail.

Sir EUGENE Fiset: How many of those cases would there be whose pensions had been commuted?

Colonel THOMPSON: Dr. Kee informs me that there are about 22,000. We paid out between \$9,000,000 and \$11,000,000 in a lump sum.

The CHAIRMAN: How many have come back on pension since?

Colonel THOMPSON: Five or six thousand, so I am told by Dr. Kee, because their disabling conditions have increased.

The CHAIRMAN: The proposal is that whether the disabling condition increases or not, they be enabled to come back on pension.

Mr. BLACK (*Yukon*): When they come back, the amount that has been given them on commutation is deducted from the payments of pension.

It would cost the country no more in the payment of pensions?

The CHAIRMAN: No, it would cost the country no more. They just leave it to his own choice whether he wants to come back on pension.

Mr. BOWLER: This proposal would restore conditions to what they would have been if there had been no commutation, and if they had continued on pension.

Mr. THORSON: Deductions can be made in respect to the payments that have been made to them.

Mr. BOWLER: They would be credited with their pension to the date that they sold, and they will be charged up with the amount that they had in cash. If the account worked out so that there was something coming to the soldier, he would get it. If he owed the state something he would pay it back at the rate of not more than 50 per cent of his future pension payments.

Sir EUGENE Fiset: He would refund the amount that he has received?

The CHAIRMAN: By his own free will, at one time or another, he commuted his pension, and ten years after that commutation he wants to have it back, and to be credited with the pension he would have received if he had kept it up.

Mr. THORSON: Would most of the soldiers have something coming to them now?

The CHAIRMAN: If they commuted back in 1920, some of them would have quite a good sum coming back to them.

Dr. KEE: Some would have quite an amount; some would not have any.

Mr. MCGIBBON: Supposing it were the loss of a finger; how much would be coming back?

The CHAIRMAN: Not much.

Mr. ROSS (*Kingston City*): May I ask the Chairman of the Board what the regulations are that they have to enable a man to come back?

The CHAIRMAN: It is statutory; you find it under section 25, which I will read. (Reading):—

8. If subsequent to the award of a final payment it is found that the disability of the member of the forces has increased he shall be restored to pension, and the additional pension for the increased disability shall be paid from such date as may be determined by the Commission; and there shall be deducted from the arrears of pension so created and from future payments of pension, the amount of the said final payment: Provided that the deductions from future payments of pension shall not exceed fifty per cent of the pension payable.

The only thing the Legion is proposing is that you leave out the words "If subsequent to the award of a final payment it is found that the disability of the member of the forces has increased." That is all they require.

Mr. Ross (*Kingston City*): I do not know that the Legion is aware of the difficulty in this regard. The Board insists that he shall submit medical evidence as to his disability. A great many of these men move about. Some are in British Columbia, and are examined there when they take their commutation; some are in Ontario. How is the Commission to prove or to get evidence as to their condition? They cannot go to the same doctors, and the Board insists on doctors examining them and sending medical certificates that they have disability. The man is told, at the time he takes the commutation, that his pension will decrease the next year; it will be 8 per cent one year and 6 per cent the next, but he goes on for six or eight years and finds that he has greater disability, and wants his pension. I know there are mistakes made on both sides, but at the same time there are a number of eligible cases, and I find that it is difficult to get a certificate from a medical practitioner that the disability is as great as, or greater than it was, unless he is in touch with some doctor; very often the doctor is dead.

The CHAIRMAN: He did not get commutation unless he had 15 per cent or less.

Mr. Ross (*Kingston City*): Yes.

The CHAIRMAN: He can go to any doctor; the doctor may say that he has 20 per cent, and if he proves his case he comes under it.

Mr. Bowler: Not automatically.

The CHAIRMAN: If the Pensions Board accepts it, he will get it.

Mr. Ross (*Kingston City*): The Government will not lose on it; the man pays back what he gets, and in justice to him he ought to go back on his disability and his pension. But I find that the obstacle to the man getting back under medical examination is more difficult than most people think.

The CHAIRMAN: The Chairman of the Board of Pension Commissioners says that it might be a good idea to consider the elimination of commutation altogether.

Mr. Thorson: This is really a measure to relieve the man from the folly of his commutation.

Mr. Arthurs: The majority of the Committee were opposed to commutation, and it was only given out of consideration for the soldiers themselves. I was on the Committee and voiced my opposition; I think the Chairman of this Committee did the same.

Mr. Bowler: I think most of us would be willing to admit that it was a mistake. It was done probably at a time when men were much younger than they are to-day, when they had less responsibility, smaller families, and greater optimism. Perhaps they saw business opportunities in which \$600 would help them to establish themselves for life. I think it can largely be understood, though probably not excused on that ground. Nevertheless, it is a fact that there is a strong sentiment to-day that those pensions should be restored. Many of these men to-day are married men; they have responsibilities, and a small disability which often affects them seriously in the matter of obtaining employment, even if it is a small one. The pension means a great deal to them.

Mr. Ross (*Kingston City*): If we accepted the recommendation of the Chairman, commutation would be practically wiped out.

The CHAIRMAN: The Chairman does not recommend it; he says we ought to consider it, in connection with this recommendation.

Mr. Thorson: And wipe out commutation, altogether.

The CHAIRMAN: Yes; however, that is for consideration.

Mr. BOWLER: I should like to record a statement in regard to Colonel Thompson's suggestion that there should be no future commutation. While we have no resolution to that effect, nevertheless I am in a position to say that we favour the suggestion. We think commutation should be eliminated in future.

Mr. MACLAREN: Are there commutations, as a matter of fact, at the present time?

The CHAIRMAN: Yes.

Mr. MACLAREN: In any considerable number?

Colonel THOMPSON: Not in the same degree.

The CHAIRMAN: How many have you had in the last year, roughly? Have you had a thousand?

Colonel THOMPSON: May I point out a matter I had overlooked? Under the provisions of the statute, any pension that a man has received since 1920 has to be deducted from his final payment. So that, supposing he is entitled to \$600, and since 1920 he has received \$550, all he gets as a final payment is \$50. There is nothing in it.

Mr. SPEAKMAN: Better to wipe out the whole system.

Colonel LAFLECHE: I think it should be pointed out that the program being presented to you is not only that of the Canadian Legion, but also of these other Associations mentioned yesterday.

The Committee adjourned until Tuesday, April 1st, 1930, at 11 a.m.

APPENDIX No. 1

Statement submitted by Dr. G. B. Peat, Provincial Command of New Brunswick, Re Percentages of Pensions, etc.

APPENDIX No. 2

Communications and Resolutions—The Chairman



APPENDIX No. 1

SUBMITTED BY Dr. G. B. PEAT, PROVINCIAL COMMAND OF NEW BRUNSWICK

REPORT CONCERNING PENSIONS

In bringing this matter to the attention of the Legion and all returned men, I may say it has been a long drag getting the information I needed, but thanks to Mr. Thomas Bell, M.P., I have the latest reports from the Department of Pensions and have gleaned the facts from them. From these reports I find that my contention at Moncton has been fully upheld—more so than I really thought they could possibly be.

In making up the report the idea has been simply to give the facts and figures so that conclusions be easily drawn. To get a proper idea, a bird's eye view as it were, it will be as well to consider the enlistments from the various provinces and take this as a basis. Doing this we have our first set of figures.

Ontario.....	245,677—41% (approximately)
Quebec.....	82,793—15½%
New Brunswick.....	25,864—4¾%
Nova Scotia and P.E.I.....	33,342—5½% (4½—1%)
Manitoba.....	66,319—11%
Saskatchewan.....	37,666—6¼%
Alberta.....	45,146—7¾%
British Columbia.....	51,438—8½%
Yukon.....	2,327—½%
Total.....	590,572

Now the next set shows the first item regarding pensions, in giving the number of pensioners in 1920, and in connection with this, the various amounts paid out. These lists are given as a matter of comparison to show the rise or fall in about a decade.

Number of C.E.I. Pensioners in each province as on January 1, 1920.

Ontario.....	25,660—42% (approximately)
Quebec.....	6,111—10%
Manitoba.....	5,411—9%
Alberta.....	6,269—10%
Saskatchewan.....	4,585—7½%
British Columbia.....	6,436—10%
Prince Edward Island.....	384—½%
New Brunswick.....	2,053—3½%
Nova Scotia.....	3,315—5½%
Total.....	60,224

Amount paid to C.E.I. Pensioners in each province as on January 1, 1920.

Ontario.....	\$ 5,901,200 60—41%
Quebec.....	1,212,483 51—10%
Manitoba.....	1,073,596 51—8½%
Alberta.....	1,243,032 29—10%
Saskatchewan.....	909,709 85—7½%
British Columbia.....	1,276,966 76—10%
Prince Edward Island.....	76,189 44—½%
New Brunswick.....	407,335 73—3½%
Nova Scotia.....	657,729 15—5½%
Total.....	\$ 11,948,243 84

Province	1920		
	Enlist-ments	Pensioners	Pensions
	%	%	%
Ontario.....	41	41	41
Quebec.....	15½	10	10
New Brunswick.....	4½	3½	3½
Nova Scotia.....	4½	5½	5½
Prince Edward Island.....	1	½	½
Manitoba.....	11	9	8½
Saskatchewan.....	6	7½	7½
Alberta.....	7½	10	10
British Columbia.....	8½	10	10
Yukon.....	½		

Now we come to the 1929. Here I give the more extended information to include dependents and their pensions and following this one, the percentages are listed for comparison.

May 31, 1929	Disability		Dependent		Totals	
District	Number pensions	Annual liability	Number pensions	Annual liability	Number pensions	Annual liability
		\$		\$		\$
A. Que.....	3,839	1,866,813	1,557	912,748	5,396	2,779,561
B. N.S. and P.E.I.....	3,148	1,515,835	1,270	653,505	4,418	2,169,340
C. E. Ont.....	3,263	1,514,277	966	596,265	4,259	1,110,542
D. C. Ont.....	11,226	5,574,830	4,135	2,540,621	15,361	8,115,451
F. W. Ont.....	3,378	1,765,274	936	550,702	4,314	2,315,976
G. Man.....	5,468	2,397,810	11,258	735,570	6,726	3,133,380
H. Sask.....	3,383	1,522,741	570	312,518	3,953	1,835,259
I. Alta.....	4,392	2,027,287	818	481,072	5,210	2,508,359
J. B.C.....	6,783	3,197,345	1,715	1,109,876	8,498	4,307,221
K. N.B.....	1,569	787,143	684	354,732	2,253	1,141,875
M. Brit. IIs.....	3,283	1,799,791	4,259	1,904,884	7,542	3,704,675
U. U.S.A.....	5,488	2,378,813	1,750	884,304	7,238	3,263,117
Totals.....	55,220	26,347,959	19,948	11,036,797	75,168	37,384,757

Province	1929		
	Enlist-ments	Pensioners	Pensions
	%	%	%
Ontario.....	41	32	33
Quebec.....	15½	7½	7½
New Brunswick.....	4½	2½	2½
Nova Scotia and P.E.I.....	5½ (3½-1)	5½	5½
Manitoba.....	11	9½	9
Saskatchewan.....	6½	6	5½
Alberta.....	7	7	7½
British Columbia.....	8½	8½	8½
British IIs.....	6	6½	6½
U.S.A.....		9½	9

Province	1929		
	Dependents	Pensions	Enlistments
	%	%	%
Ontario.....	30	30	41
Quebec.....	8	9	15½
New Brunswick.....	3½	3	4½
Nova Scotia and P.E.I.....	6	6	4½
Manitoba.....	6	7	11
Saskatchewan.....	3	3	5½
Alberta.....	4	4½	7
British Columbia.....	8½	10	7½
British IIs.....	21	18	.....
U.S.A.....	8½	8	.....

You will see that the two nearest are New Brunswick, with enlistments of 25,864, and Nova Scotia and Prince Edward Island with enlistments of 33,342. As Prince Edward Island had an enlistment of between 5 and 6 thousand, it leaves Nova Scotia and New Brunswick on about an equal footing as regards the enlistments. Consequently, we would naturally expect that the amount expended in pensions, and the number of pensioners and dependents would approximate. This however, is in no wise the case, nor has it ever been so. For instance, in 1920 New Brunswick had 2,053 pensioners and Nova Scotia alone had 3,315 and the amount at that time was \$407,335.73 for New Brunswick and \$657,729.15 for Nova Scotia. Coming to 1929 for the fiscal year ending March 31, 1929, we find that in New Brunswick, the number of pensioners is 1,569, and that for Nova Scotia and Prince Edward Island 3,148. The amount spent on these pensions was \$787,143.00 for New Brunswick and \$1,515,277.00 for Nova Scotia and Prince Edward Island. In New Brunswick the dependents numbered 684 and received \$354,732.00, whilst in Nova Scotia and Prince Edward Island the number was 1,270 and received \$653,505.00.

Now in taking another view of the situation, we find that the number of ex-soldiers on the strength of treatment to September 14, 1929, was 172 for Nova Scotia and Prince Edward Island, and 63 for New Brunswick, and, again, the number of men receiving relief during the year ending March 31, 1929, was 220 for Nova Scotia and relief was issued 845 times. In New Brunswick only 82 received aid, and relief was issued 449 times, while the amounts involved were \$3,854.42 for New Brunswick and \$10,272.91 for Nova Scotia.

In New Brunswick as on March 31, 1928, there were 1,373 pensioners and of these 504 were permanent. In Nova Scotia and Prince Edward Island there were 2,272 pensioners and 960 permanents. When one considers that in a disease such as tuberculosis the numbers in Nova Scotia and New Brunswick approximate much more closely, namely, 38 for Nova Scotia and Prince Edward Island, and 29 for New Brunswick, it shows that the other types have an altogether unnecessary discrepancy. This is again shown by the distribution of assets by the provinces, we find the Vetreraft stores, New Brunswick getting \$451.94, and Nova Scotia and Prince Edward Island getting \$18,784.67.

Now when we look at the staff needed to take care of the returned men, we find listed for Nova Scotia, New Brunswick and Prince Edward Island 147, and of these there are in New Brunswick 44.

By the figures already given, it is quite evident that New Brunswick is not getting the proper percentage in any way, no matter from what angle the numbers and amounts are viewed. This can only be explained in one of several ways. In the first place, the men may not be applying; in the second place, they may not be receiving proper consideration in their own units, that is, that either their condition is not adequately described or their pensionable disability is reckoned too low; or third, there is lack of proper consideration or direct bias

at Headquarters at Ottawa. From the number of complaints we all have knowledge of, it would seem that the first condition could be ruled out, namely, that of the men not applying. This leaves only two other conditions to consider, and whether only one of these is the cause, or a mixture of both, can only be judged from past years. We know that Ottawa has never shown a very sympathetic outlook with the men. How much of this points to Ottawa itself, or is a consequence of the viewpoint of the local branch, is a matter for further consideration. It would seem that, instead of justice being tempered with mercy as was and is intended by the Pensions Act, the opposite course is pursued. All sorts of excuses are trumped up. A favourite phrase is "Pre-War Disability," a catch word that might conceivably apply to those joining in the last year or year and a half of the war, but utterly silly when applied to men of 1914, 1915 and 1916. During the first two years of the war, we all know that medical histories were of the most meagre nature or utterly lacking, and now, not only is the burden of proof thrown on the man, but his word is doubted, as is also any evidence he brings forward from officers or fellow soldiers.

With this attitude now, we can only imagine what will happen as years go, when the breakdowns and recurrences will become more frequent. These men did not ask for anything when going overseas, but were promised a great deal. One slogan especially, told them that they would be well looked after when it was all over, and yet here many of them are being side-stepped, put off from time to time and if they are given anything it is too often a mere pittance that would barely support them for a week out of the month.

Coming down to a different phase of the question, we find that there are several matters that seem hard to explain, for example, there is the abolition of the Vetract shops here in New Brunswick, which might have made a most successful and helpful part of the work for disabled men. Yet we find that this building when here, was always in an exceptionally poor quarter of the town and was never handled in an efficient manner, or one that would tend to make it of the least service to those whom it was supposed to. I see the report says this was closed because it was hard to run and not as necessitous as in other parts—a most misleading statement. I know personally from interviews with crippled men and with the D.S.C.R. staff, how poorly this matter was attended to. The same thing was attempted with the Orthopaedic branch, which removed, but had to be reopened on account of the number to be attended.

Further bearing on the handling of pension cases in New Brunswick, it may be best done by quoting individual cases. It would seem that there was no necessity of the lack of attention given a good many of the cases that we hear about and see in this section. For example, a great many of the cases are suffering from chronic inflammation of the joints and muscles, due to wounds or diseases, or various combinations of these conditions. As anyone will remember, a good deal of attention was given, during the war, to proper treatment of these cases by Physio-therapy, in fact, the whole foundation of this branch of treatment was properly laid during the war. As far as one can find at the present time, there are no means whereby men can get such treatment now, and as the years go, any such treatment is about the only kind that will do the men the slightest bit of good. Instead we find a number of these men coming back every winter, worse than the year before, simply lying around the hospital or else being dismissed with the information that nothing can be done for them.

I might draw your attention to another point, and that is the apparently strenuous attempts to blame any condition on Syphilis. Undoubtedly, in some cases this may be the underlying cause, but it would strike one that too much effort was made to make this the cause in many obscure cases where other reasons might easily have been the cause. Many authorities claim that the tests for this disease should be made at least by two or three laboratories, and it would certainly seem so in the cases of the returned men, at least, unless there was a very clear history of them having had it overseas.

APPENDIX No. 2

COMMUNICATIONS AND RESOLUTIONS—THE CHAIRMAN

DEPARTMENT OF PENSIONS AND NATIONAL HEALTH

OFFICE OF THE DEPUTY MINISTER,

OTTAWA, March 28, 1930.

Memorandum to:

Major C. G. Power, M.P.,
Chairman, Parliamentary Committee,
House of Commons,
Ottawa, Ont.

The following papers are referred to your Committee for consideration please;—

- 2 Letters from Mr. E. S. Currie;
- 1 Letter from Mrs. Lilian M. McLeod;
- 1 Letter from Mr. Alexander McGrath;
- 1 Resolution from Army and Navy Veterans in Canada;
- 1 Letter from the Widows, Wives and Mothers of Great Britain's Heroes' Association;
- 1 Letter from Major E. Roscoe;
- 2 Lists of Resolutions from the Brotherhood of Ex-Active Service Men;
- 1 List of Resolutions passed by The National Association of Veterans of the Province of Quebec.

J. W. McKEE,
Assistant Deputy Minister.

7 NORMAN AVE.,

TORONTO, Ont., February 17, 1930.

The MINISTER,
Department of Pensions and National Health,
Ottawa, Ont.

DEAR SIR;—This will acknowledge with thanks your letter of the 12th inst., in regard to Returned Soldiers' Insurance.

As previously explained my object in writing you in this connection was to bring to your attention the fact that many policy holders felt that the maximum should be raised, allowing them to increase their protection. If this could be done I feel sure the administration expense thereby would be negligible, and at the same time such a course would help off-set the Government's apparent disappointment at the amount of this insurance taken out by ex-C.E.F. men.

You mention that you doubt very much whether the Committee to be appointed at the forthcoming Session of Parliament will recommend any increase. In this connection I hope you can see your way clear to recommend such a course to the Committee, for in my humble opinion such a move would be decidedly beneficial for all concerned.

In closing, I trust you will give this matter your careful consideration.

Yours very truly,
(Sgd.) E. S. CURRIE,

7 NORMAN AVE.,

TORONTO, February 6, 1930.

The MINISTER,
Department of Pensions and National Health,
Ottawa, Ont.

DEAR SIR;—Enclosed please find a clipping taken from this morning's "Mail and Empire", in connection with returned soldiers' insurance.

I have one of these policies No. 21366, for \$5,000 taken out a number of years ago. At various times I have written the Insurance Department asking if it was possible to increase the amount of insurance, but in each instance they have informed me that the Government has not considered the question of allowing policy holders to increase the amount of their insurance.

Upon reading the above clipping it would appear that the Government is somewhat disappointed in the number of policies issued to date. No doubt before this insurance plan was put into effect it was estimated that many more thousands of Canadian Expeditionary Force men would take it up than really have, and naturally the amount of insurance underwritten has not come anything near the estimate.

On this account, therefore, I would respectfully submit for your consideration the suggestion that you allow the present holders to increase their policies by another \$5,000 insurance. Many of your present policy holders, with whom I am personally acquainted, would welcome such an opportunity to increase their insurance and I would be glad to learn at your earliest convenience if the Government would seriously consider the suggestion I have made. So far as the writer can see the Government would not be put to any expense and as the Insurance Department should justify its existence by the amount of insurance underwritten, this would be a splendid opportunity of increasing the insurance outstanding.

Yours very truly,

(Sgd.) E. S. CURRIE,

78 GROSVENOR ST.

TORONTO, ONT., February 10, 1930.

DEAR SIR: From current news it is understood that the Pension Act governing the late war is to be revised. Would you be good enough, please, to let me know if the amendments will cover the clause in the Imperial Pension Act which reads "Death subject to the appearance of the disease." Although a resident of Canada for 15 years, and widowed by reason of my husband's four years' war service, I am debarred from drawing a pension subject to that clause, and this has been a great hardship.

Although my husband was demobilized fit, his history post discharge has proved that such could not be the case, as from three months after I was married to his death, a matter of eighteen months he was under three doctors suffering from Malaria and hearts action.

I have evidence to prove that his death was caused by his war service and owing to that clause I am, with a great many others, penalized.

I could not bring myself to write to the Premier, being just humble fry, but you, his Secretary, I imagine have access to Mr. King, and I am sure if this wrong were brought to the attention of Mr. King he would use his influence to have same revised.

Mr. Paterson, of the Rea Building, is conversant with my case and my chief before I married, was Major Coghill of the Militia Department.

Thanking you in anticipation, I beg to remain,

Yours very truly,

(Sgd.) Mrs. LILIAN M. McLEOD.

Secretary to Premier,
Parliament Bldgs.,
Ottawa, Ont.

CHATHAM, ONT., March 6, 1930.

Hon. Dr. J. H. KING,
Minister of Pensions and National Health,
Ottawa.

HON. SIR,—Under the headings of the Act, which would provide for an allowance of Old Age Pensions paid entirely by the Federal Government to the veterans of the Great War, from five to ten years earlier than under the provisions of the Old Age Pension Act; here I would draw your attention Sir to the few remaining veterans of the South African War who surely are entitled to this same measure.

These brave men by their example and courage showed others the way. Those years of service under the blazing sun of the South African veld, hunger, thirst and wounds endured for our King and Country. The siege of Ladysmith; Spion Kop, Vaalkrantz, Paardeberg and further what history will tell you; no one knowing and reading the facts of our sufferings and hardships during that period but will agree that the South African veterans should line up with the veterans of the Great War under this Act.

Trusting Sir you will give this your fullest consideration and have this brought in line. I have every confidence in the Liberal Party whom I have supported all my life; that they will not leave this just cause unsupported. If they do so then I will only have to submit I have been deceived my whole life.

Thanking you, I have the honour to be, Sir,

Yours respectfully,

(Sgd.) ALEXANDER McGRATH, J.P.,
Veteran of the South African War.

ARMY AND NAVY VETERANS IN CANADA,
OTTAWA, March 9, 1930.

Hon. Dr. J. H. KING,
Minister of National Health and Pensions,
Ottawa, Ont.

DEAR SIR: I beg to enclose a copy of a resolution passed at the Annual Convention of the Army and Navy Veterans in Canada, held in Quebec City in September, 1929.

Yours respectfully,

(Sgd.) P. B. MELLON,
Acting Secretary.

Resolution

Resolved, That the problem of the prematurely aged ex-members of the forces, which premature ageing was due to military service, and the aged and indigent ex-members of the forces calls for serious consideration of the Government. Both classes of ex-service men are emerging in increasing number and it is, in our opinion desirable that a policy be put in hand now rather than to wait until the problem assumes a more acute form.

WIDOWS, WIVES AND MOTHERS OF GREAT BRITAIN'S HEROES ASSOC.

VANCOUVER, B.C., March 17, 1930.

Honourable Members of the House of Commons,
Ottawa, Canada.

DEAR SIRS AND MADAM: This organization of Canadian women respectfully requests that while the question of the revision of the Pension Act is under consideration by you, you would at the same time give consideration to certain suggestions which we venture to make on behalf of a class of pensioners who, as a body, are not organized on any national scale. We refer to widows, children, orphans and dependent parents. No national organization exists to speak for them.

At the outset, may we express our wholehearted appreciation of the consideration given to our representations in previous years, particularly with reference to the administrative treatment now given to children under Section 22 (1) (b) of the Act, and also Section 33 (3). We believe that the grievances formerly existing with reference to these Sections have been practically removed in response to our representations.

The sympathetic reception given to our former appeals inspires us to hope that our expectations in the matter now to be mentioned will receive your equally effective attention.

There are many cases of which the following may be taken as representative:

1. A soldier is "boarded"—declared free of any disability—on the strength of this he marries—later is again "boarded"—now declared subject, say, to tuberculosis arising out of his war service—is given a pension—dies—but in this case no pension is given to the widow.

It would appear only just that under such circumstances such widow should receive a pension and we suggest an amendment to Section 32 along the following lines:—

Where a member of the forces has been examined by the Department's medical representative, and is declared to have no pensionable disability, and such member thereafter marries, and subsequent to such marriage he establishes the fact of a pension disability, and is pensioned for the same, then, in the event of the death of such pensioner, a pension shall be paid to the widow.

2. A matter that is of long standing grievance is the problem of the gratuity. You will recall that there was a gratuity for the men who returned from overseas. When any of such returned men died before receiving their gratuity, such gratuity was paid—and properly so—to the widow or dependent entitled. If we remember rightly, even men who did not leave Canada received the gratuity. Our grievance is this, that for the widow or dependent of the member of the forces who died or was killed overseas, there was only a fraction of such gratuity paid—something like a third. This discrimination has never been explained so far as we know. The purpose of the gratuity was to aid in the re-establishment of the returned men. Surely the widow and dependent children faced a problem of re-establishment just as serious as did those whose families remained intact. We ask that this matter be finally corrected.

3. With regard to the present pension payable to dependents and orphans, it is clear that the amounts provided are intended to take care of only the minimum normal requirements of life, and that they are insufficient to make any provision for the grave emergencies of life such as serious illness, hospital attention, and burial expenses. A serious illness or operation in such a family is simply disastrous. There is no margin of security for them in their present pensions. Now if such dependent pensioners may be regarded as the special wards of Canada, why may not reasonable hospital facilities be extended to such

persons? We should be just as solicitous about the orphan, the widow, and the dependent children, as we are about the disabled soldiers. These dependents should be the special object of care of the people of Canada.

4. The suggestion that from time to time the government might organize a pilgrimage of widows and dependent parents of members of the forces who are buried in France has a very strong appeal to us and subject to the consideration of expense we would appreciate any arrangement which would make it possible to carry out such a representative pilgrimage.

In closing, let me say that we heartily support all the representations of the Canadian Legion with regard to changes in the Pension Act desired by them.

On behalf of the Association, I am,

Yours respectfully,

(Sgd.) JANET C. KEMP,
President.

Lockynge, Kentville, N.S., 3rd February, 1930.

Minister of Pensions and National Health,
Ottawa, Canada.

SIR:—I have the honour to bring to your attention a matter which I think on consideration you will agree with me should be remedied. In section 20 (3) of the Pension Act it states in part "No pension shall be assigned, charged, attached, anticipated, commuted or given as security, etc."

In spite of the provisions as quoted above, there have been instances in this vicinity of married pensioners being brought before the Courts and being ordered to pay a part of their pensions into Court for the benefit of a creditor. A test case was taken on appeal to the Supreme Court of Nova Scotia, where a judgment was given to the effect that there was nothing in the provisions of the Pension Act to prevent this being done. The result is that there are pensioners and their dependents who on account of this action are in want and the purpose of the Act is being defeated. I would respectfully request that Section 20 (3) of the Act be amended and the following added: "Pensions are not to be subjected to Court Orders or legal process and no pensioner can be ordered to pay his pension either wholly or in part into any Court or to any person. This amendment to be effective from the date the act was originally framed and to apply to all classes of pension (service as well as disability).

I have the honour to be, Sir,

Your obedient servant

MURRAY E. ROSCOE,
Major.

RESOLUTIONS PASSED BY THE BROTHERHOOD OF EX-ACTIVE SERVICE MEN

(1) That all ex-service men and women shall be deemed to be "burned out", and therefore eligible for pension. The rate of pension shall be assessed by the following method:—

That the applicant's age shall first be considered; that a person of the applicant's age who is considered to be 100% fit, and this pension shall then be considered to a 100% man 15 years younger, and this ratio shall be the basis for

considering the applicant's condition in comparison to the fit at that age on this ratio.

(2) Should a person apply for a pension or an increased pension and on being medically examined found suffering from some one or more other diseases or injury, which it is possible may have been caused, or is due to war service and nothing is proved to the contrary, he shall be notified by the examining Medical Officer of such condition, and be granted pension for such other disease or injury, in addition to the disability for which application is made, and that in all applications for pension, it must be proved by the Board of Pension Commissioners, that the disability for which application is made, was not due to war service before refusing pension.

(3) That all Ex-Active Service men and women shall receive free medical and dental treatment.

(4) Continuation of pension to widows of ex-active service men from whatever cause the veteran may die.

(5) Issuing of Medical Certificates by doctors of Pension and National Health Department, to pensioners whose disability is of such a nature as to require occasional rest from their work.

EMPLOYMENT

(6) In all Government work by contract, where all or part of the work is of unskilled labour, ex-service men to be given preference at prevailing rates of pay.

(7) That the Civil Service Act, Chap. 22, of the R.S.C. 1927, be revised in the following manner; sub-section b and sub-section c of Section 2, clause 29, be repealed. That after Section 4 of the same clause the following sections be added: "That the Civil Service Commission shall keep a list of all persons mentioned in Sections 2 and 4, by departments of all those already in the Civil Service or who later enter it, and a copy of the list for the Department sent to each Deputy Head, or person acting in that capacity, and all promotions to be made in that Department, shall first be made from those on the list after a fair trial of the position.

"Any Department or branch of the Department, where prevailing rates of pay are made, the Civil Service Commission shall keep a list of all persons mentioned in Sec. 2 and 4, and a copy sent to the deputy head of the Department concerned, and promotions to any vacancy among those receiving prevailing rates of pay shall be made from this list.

APPEALS

(8) In the event of an applicant for pension being dissatisfied with the finding of the Board of Pension Commissioners, an appeal may be made to the Federal Appeal Board, on the evidence submitted to the Board of Pension Commissioners. This shall also apply to an applicant for increased pension.

(9) All applicants for appeal taken to the Federal Appeal Board shall be adjudged and a decision given on the case within four months of the lodging of the appeal.

GRATUITY

(10) One dollar a day be paid to all Active Service men and women for every day they were overseas.

SUPERANNUATION

(11) That all ex-service men and women who were or have since become Civil Servants, shall have their service in His Majesty's Forces, count towards Superannuation, without any reduction in their salaries for such service, in view of the loss sustained compared to stay-at-homes.

PARLIAMENTARY COMMITTEE

(12) Parliamentary Committee to be appointed be composed of Senator and M.P. Ex-Service men, and the Hon. Cairine Wilson, and Miss Agnes MacPhail, M.P.

(13) A Committee to be composed of Board of Pension Commissioners and selected doctors, and M.P. doctors, for the purpose of reviewing the scale of "Table of Disabilities", and revising in favour of the veteran.

EXTRACT FROM LETTER OF MR. E. SADLER, BROTHERHOOD OF
EX-ACTIVE SERVICE MEN

"May I also bring to your attention an announcement of an Examination to be held by the Civil Service Commission No. 18,367, Accountants Assistants, (Male). There are at least 1,000 veterans in Ottawa alone, who could fill these positions with as much distinction to themselves and to their country, as they did during their service in France, and yet because of the age limit set in this instance they are absolutely debarred from attempting this examination, and are at present getting not much more than one half of the maximum offered in this instance. Is this the sort of preference for ex-service men, that your Department has tried so strenuously to get for them?"

RESOLUTIONS OF THE BROTHERHOOD OF EX-ACTIVE SERVICE
MEN

PENSIONS

- (1) Free Medical Treatment for all O.A.S. men and women.
- (2) Free Dental Treatment for all A.O.S. men and women, who received Dental Treatment while on Active Service.
- (3) Continuation of Pension to Widows of O.A.S. men, from whatever cause they may die.
- (4) Issuing of Medical Certificates by Doctors of Pension and National Health Department to pensioners, whose disability is of such nature as to require occasional rest from their work.

EMPLOYMENT

- (5) In all Government contract work where part or all of the work is of unskilled labour, ex-service men to be given preference.
- (6) In all Examinations for Promotion in, or entrance to the Civil Service, preference to be given to ex-service men if capable of passing the examination, or have already passed an equivalent examination, whether already successfully re-established or not.

GRATUITY

- (7) One dollar a day to be paid to all Active Service men and women for every day they were overseas. (See enclosed extract.)

SUPERANNUATION

- (8) That all ex-service men and women who were or have since become Civil servants, shall have their service in His Majesty's Forces, towards Superannuation, without any reduction in their salaries for such service, in view of loss sustained, compared to stay-at-home. (See enclosed extract.)

PARLIAMENTARY COMMITTEE

(9) Parliamentary Committee to be appointed, be composed of Senator and M.P. ex-service men, and the Hon. Cairine Wilson and Miss Agnes Macphail, M.P.

(10) A Committee to be composed of Board of Pension Commissioners, and selected doctors, and M.P. doctors, for the purpose of reviewing the scale of "Table of Disabilities," and revising in favour of the Veteran.

EXTRACT FROM A REPORT BY COL. A. T. HUNTER, A COMMISSIONER APPOINTED BY THE GOVERNMENT. JUNE 20, 1927.

"Not the overseas men but the Government of Canada had to plead 'in forma pauperis'. The promise to put the veteran in no worse position than the stay-at-home was a very absolute official pledge of the Government. I personally assisted before a Parliamentary Committee at Ottawa in proving that compared to the stay-at-home, the average veteran lost \$2 a day for every day he was abroad. The Acting Premier, the Hon. Mr. Calder, did not specifically repudiate it, he merely pleaded 'in forma pauperis', and in effect said to the House of Commons, "It is admitted that the men have lost financially, but the Government is not in a position to pay, and if you wish to change this policy you will have to change the Administration.

"The country has successfully emerged from this period of stinginess and financial anxiety, and can now be trusted to back any Administration that will create the spirit of generosity and justice in favour of a sick veteran."

The National Association of Veterans respectfully wishes to submit to the Parliamentary Committee on Soldiers' Civil Re-establishment, the following recommendations for the welfare of ex-soldiers and of their dependents:—

Whereas although the various Governments which have succeeded one another since the Great War have done a great deal to improve the fate of Veterans, there is still a great number of these who seem to have been forgotten, and who appear to be considered as a relic of the past.

Whereas after sacrificing their health, their freedom and all they held most dear to the service of their Country, ex-soldiers have paid, are paying and will most probably pay for a long period yet for the expenses incurred through the participation of Canada to the Great War.

Whereas the burden of the material responsibilities of our participation in the World War should be divided more evenly amongst the citizens of the Dominion, and that the Veterans could be indemnified in a practical way without endangering the economical armature of the Country.

Be it resolved that the following recommendations be submitted by the Veterans' National Association to the Parliamentary Committee sitting at present in the House of Commons, to wit:—

To organize an overseas pilgrimage to the Cemetery of fallen soldiers, for their next-of-kin who would wish to take the trip, the expenses of which would be paid by the State.

To have printed in French, booklets such as are printed in English, relative to the location of the graves of French-Canadian soldiers, this for the convenience of their dependents who speak French.

To see to it that any aged or needy dependent of an ex-member, who saw overseas active service and who dies or has died since his return to the country, be granted an adequate pension by the Government, whether deceased was a pensioner or not.

Not to discontinue or effect a change of rate in the pension of a patient under treatment, if the latter chooses to refuse, or does not feel disposed towards the medical or surgical operation advised.

To grant more facilities for reinstatement, as a pensioner, to soldiers who have commuted their pension.

That any ex-soldier having incurred a disease or a disability since his return from overseas be granted a reasonable pension for himself and dependents, or medical or financial assistance from the Government, until complete recovery, when there is partial or temporary disability.

To proceed with more haste with the pending cases before the Federal Appeal Board.

To grant a further extension of at least two years for pension appeals.

That any ex-soldier who saw overseas active service be granted the right of a further medical examination by the B.P.C. and that his travelling expenses be paid by the State, if he resides outside District Offices.

To grant a greater number of Government positions to ex-soldiers, and to grant them a greater latitude before the Civil Service Examiners.

To appoint a Board of Experts in Economy who would see to it that financial assistance to the amount of \$2,000 or more be rendered all ex-soldiers who saw overseas active service and who have an excellent record, who wish to go into a sound undertaking in Canada, contributing thereby to the prosperity of the country.

To request the Federal members of Parliament of the rural districts to kindly advise their constituents, who have served during the Great War, of all the benefits which they may derive from the laws enacted in Parliament (through posters or correspondence).

Unanimously carried.

(Sgd.) WILFRID LAMOUREUX,
President.

Montreal, March 10, 1930.

National Association of Veterans
of the Province of Quebec.

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SESSION 1930

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4—TUESDAY, APRIL 1st, 1930

MEMORANDUM, Submitted by the Chairman, Re Pension Legislation.

EVIDENCE: Mr. F. L. Barrow, Adjustment Officer, Canadian Legion,
B.E.S.L. Re Proposed Amendments to Pension Act.

Col. Thompson and Dr. Kee of the Board of Pension Commissioners.

APPENDIX No. 3.—Recommendations of the Canadian Legion and other
Organized Associations of ex-Soldiers.

MINUTES OF PROCEEDINGS

COMMITTEE ROOM 368.

TUESDAY, April 1, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Arthurs, Black (*Yukon*), Fiset (Sir Eugene), Gershaw, Hepburn, Ilsley, McGibbon, McIntosh, MacLaren, McPherson, McLean (*Melfort*), Manion, Power, Ross (*Kingston City*), Sanderson, Speakman, and Thorson—18.

Honourable Senators present: Messrs. Black, Buchanan, Gillis, Graham, Griesbach, Laird, Lewis, Macdonnell, MacArthur, White (*Pembroke*), and others.

In attendance: Commissioners of the Pensions Board of Canada, members of the Federal Appeal Board, officers of the Dominion Executive Council of the Canadian Legion, B.E.S.L., representatives of Provincial Commands of the Canadian Legion, and many others.

The Committee having been called to order, it was moved by Sir Eugene Fiset, and seconded by the Honourable Mr. Manion, that the Committee express their pleasure by a vote of thanks to the Honourable Mr. Speaker of the Senate and Senators for their kindness in having graciously granted the Committee leave to hold its meetings in the Senate Committee Room 368. Motion carried.

The Chairman, by leave of the Committee, submitted a Memorandum on Pensions Legislation which he fully explained. Copies of the said Memorandum were distributed. *See* Memorandum and remarks in Minutes of Evidence.

The Chairman at this stage of the proceedings having to retire, Mr. McPherson, the vice-Chairman, took the Chair.

Mr. F. L. Barrow, Adjustment Officer of the Dominion Executive Council, Canadian Legion, was called to give evidence upon proposed amendments to Sections 34, 37 and 12 of the Pensions Act. The said proposed amendments and explanatory notes are as follows: *See also* Minutes of Evidence.

Section 34:

That Section 34 of The Pension Act be amended by the addition of a further subsection after subsection (3):—

When an application for pension is made by or on behalf of a brother or sister who was not wholly or to a substantial extent maintained by a member of the forces at the time of his death but has subsequently fallen into a dependent condition, such application may be granted if the applicant is incapacitated by physical or mental infirmity from earning a livelihood and unless the Commission is of opinion that the applicant would not have been wholly or to a substantial extent maintained by such member of the forces if he had not died.

Explanatory Note:

This recommendation proposes to extend prospective dependency now provided for parents to a brother or sister. Very few cases are known but these are of a particularly distressing nature.

Section 37:

That paragraph (a) of Section 37 of The Pension Act be amended as follows:—

After the words: "to a parent" insert "or a brother or a sister".

Explanatory Note:

This recommendation is consequent upon the previous proposal.

Section 12: Subsection (c):

That Section 12, Subsection (c) of the Pension Act be amended so as to provide that, where entitlement to pension has been admitted in the case of venereal disease contracted prior to enlistment and aggravated during service, pension shall be continued in accordance with the degree of disability present from time to time.

Explanatory Note:

The present practice is to award pension for the entire degree of disability present upon date of discharge, which rate remains stationary. The present proposal will not reveal any new applicants, but is intended to give adequate compensation to a man whose health is admitted to have deteriorated by reason of active service conditions.

Copies of the Recommendations agreed to by the Canadian Legion and other organized associations of ex-soldiers have been distributed to members of the Committee. Said Recommendations were ordered to be printed. See Appendix No. 3 herein.

The Committee agreed to hear the views of the officers of the Canadian Legion upon the Memorandum submitted by the Chairman, on Thursday, 3rd of April. Further consideration to the said Memorandum will be given by the Committee on Tuesday, 8th of April.

In the course of the evidence given by Mr. Barrow upon the proposed amendments to Sections 34, 37 and 12 of The Pension Act, Colonel Thompson and Dr. Kee explained the practice now followed under such sections of the Act.

The Committee adjourned at 12.50 o'clock until Thursday, 3rd of April, at 11 o'clock a.m.

MINUTES OF EVIDENCE

COMMITTEE ROOM 368,

HOUSE OF COMMONS,

TUESDAY, April 1, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Chairman, Mr. C. G. Power, presiding.

The CHAIRMAN: I am submitting to the committee, with its permission, a memorandum of pension legislation, which I will distribute.

My only thought in submitting this is that it gives us something to work on and to hammer out. I may say that a number of the members of the committee, and members of parliament, and others, have been speaking to me along the lines of these proposals. They are a combination of everything I can find that might possibly be worked into the legislation advantageously. So far as ascribing it to myself, I do not think there is a principle incorporated in this that I have not fought very hard against at one time or another; so that my views are subject to change. But I find that there seems to be a general opinion that we should have more or less of a new deal in this matter, and I am very humbly suggesting that this could form the basis of some new arrangement. If the committee wishes, I will briefly explain the various proposals contained in this memorandum.

The idea, briefly, is that the Board of Pension Commissioners remain as at present constituted, but with the other machinery which is to be superimposed I have some hopes that the Board of Pension Commissioners will become an administrative body rather than a judicial and administrative body, that is, it will retain some of its judicial functions.

I propose that the Federal Appeal Board, as such, be abolished, and that the soldiers' advisers system should be wiped out, and a new court created which we may call the Pensions Court. This court will be composed of judges who will sit and have hearings, with all the formalities of an ordinary court. I suggest that this court be divided territorially, eastern, western and central, the eastern district extending as far as Ottawa, the central district extending from Ottawa to Winnipeg, and the western district extending from Winnipeg west. I am not making any definite proposal in that regard.

Hon. Mr. MANION: I notice you suggest nine judges. Would that be three judges in each district?

The CHAIRMAN: That is a thing that would have to be hammered out later. My first idea would be that the three judges would sit together, but quite likely there will be a great deal of work, and it may be that they would have to be divided so that they could act separately. It is also essential that these judges be interchangeable, that is, a judge sitting in the east should be able to go and sit in the west, and vice versa, in order to obtain some uniformity of decisions. My thought is to raise this court to as high a status as possible, in order that the public generally, as much as the pensioner, may feel that the man is having the best possible deal, and when a man does not obtain a pension, if he goes out to the public and starts to grouse about it, they will say, You went before the Board of Pension Commissioners, and, to the best of their ability, they told you what the law was, and after that you went before the proper court. Both sides will be represented, and I propose that the men be given some measure of the benefit of the doubt.

The hearings and decisions will be on all grounds and on assessment. It is a hearing *de novo*. It is not an appeal court. The thought in my mind is that the Board of Pension Commissioners will be more or less in the position of a registrar, or a prothonotary, or a master in chambers, who will award pension, when the case is clear-cut, but if it is not, it will go before the court.

All the evidence, whether already put before the board or not, will be heard. However, I make a proviso somewhat in fear and trembling, that if new evidence is submitted, such as a man who having claimed pension on the ground of tuberculosis, is turned down by the Board of Pension Commissioners, and in the hearing before the court claims that on the ground of heart disease he should receive pension, it would only be fair that the Board of Pension Commissioners should have some notice of it in order that they may be able to express their views on it.

The Pensions Court will travel, wherever it is most convenient for the pension claimants to attend, but I would suggest that the sittings of the court be held largely in the judicial districts where the county or superior court sit.

There will be soldiers' representatives. There are two alternatives there, one that we subsidize the Canadian Legion to represent the soldiers generally, by placing an amount in the estimates, something equivalent to that which we now spend on soldiers' advisers. Secondly—and this is Dr. McGibbon's suggestion, to which I was very bitterly opposed—that the soldier should be permitted to choose his own lawyer, and that this lawyer be paid a scale of fees fixed by the government, so much if he wins, and so much if he loses, and it will be in the discretion of the court to say whether or not he has earned his fee, that is to say, if the case appears to be a vexatious one, the court should have the discretion to say whether or not counsel shall be paid.

The Board of Pension Commissioners should also be represented by counsel, for the purpose of presenting its views before the court.

The court may, at its discretion, associate with itself assessors. Those assessors would be men who would have the same authority, in the way of giving advice as sea captains, and others who are assessors in maritime courts.

Weight of Evidence.—This instruction shall be given to the Court, and I submit that can be done in legislation. In cases where evidence is conclusive as to attributability, circumstances can be considered and weight given to medical opinion; and having considered all these circumstances and medical opinion, if a reasonable doubt exists in favour of the applicant, he should get pension.

On this point I wish to explain this: I believe personally that it is impossible to write into the legislation anything with respect to reasonable doubt in so far as the Board of Pension Commissioners is concerned. The Board of Pension Commissioners, at the present time, collect the evidence and they weigh the evidence themselves, and form an opinion for or against the soldier from the evidence which they themselves collect. It is extremely difficult for us to tell the Board, you, having collected the evidence and formed your opinion, must now give effect to a reasonable doubt. That is why I suggest that no instructions on the point of reasonable doubt be given to the Board of Pension Commissioners; but it is very easy for another body which sits and hears both sides of the case, if the evidence is not conclusive on behalf of the pensioner, to say: In our minds there is reasonable doubt and he should have the benefit of it. That is the system, in so far as courts are concerned.

I have provided for appeals; but even since I wrote this, to show you how keen I am on the matter, I have found in giving it consideration, that this section referring to appeals may not be workable in the manner in which it is written. Again I repeat that I am only making these submissions for the purpose of having them hammered out, in order to find something which will be

satisfactory. I propose that there shall be a court composed of three judges, two judges and a principal judge. And I have written in, as to jurisdiction, "on the evidence and record"; that is, I do not propose that new evidence shall be heard and that witnesses be heard by the appeal court. It would not be an appeal court if there were a hearing *de novo*. It may be that I even go too far in allowing a hearing on all the record and all the evidence, but I think there should be some sort of an appeal court to decide technical matters, as to disputes which may arise between the court and the Board of Pension Commissioners, if any should arise.

I am proposing to give to the Court, if I may return to that for a moment, such power as would order the Board of Pension Commissioners to make a payment of pension, so that there will not be the difficulty with which we are confronted to-day, of the Federal Appeal Board giving an opinion, and then the Board of Pension Commissioners finding that on the Law they are unable to carry out the award of the Pension Appeal Board. I think we will find this boils down to the granting of appeals only to this special court of appeals on technical matters, on evidence and on the jurisdiction.

I would suggest that somewhere or other in this machinery there should be finality, that the decision either of the court or of the appeal court be final and conclusive, and the question having once been decided and disposed of cannot be reopened, unless in the opinion of the court new and important evidence has been produced. I would give them the same authority in that respect as, for instance, the Privy Council would have for hearing appeals. That is to say that they would be obliged to make application for the right to appeal, and the court, bound down by certain legislative rulings, could give or refuse that permission.

I have provided for a principal judge to look after the other judges and to administer the appeal court and the other court. The principal feature in this is that new machinery is being suggested. Sir Arthur Currie said he was of opinion that the old machinery had broken down, and he suggested new machinery. Either the Legion or the man himself may go to work and prepare his case, or have his case prepared by a barrister of his own choice. There is a suggestion about a reasonable doubt, but covered by a check, in that the Pension Board will have counsel there to represent their point of view. There is a full representation of both parties.

Finally, in my own mind, there is this feature about it, that so far as the people of this country are concerned they have confidence in courts. This hearing would be held with all the formalities that I could give it, in open court, with both parties heard, and a decision given on the law of the matter. The result of that would be that we finally would know what the law of pensions is. At the present time, unfortunately, owing to the methods pursued—and I am not blaming the Board of Pension Commissioners because any other board would have to proceed in the same way—half a dozen of us sitting here are prepared to say that the jurisdiction of the Board of Pension Commissioners is such and such; but I am sure they could come here and produce cases to show that our view is not correct.

These cases being in open court, and the courts pronouncing judgment on the points at issue, it will not be long until we will find what the law is on these points. And then when the Legion or other bodies come before us with amendments, saying that the law as at present is not sufficient to meet the case, we would know whether it was true, because the cases would have been heard in open court. At the present time it is absolutely impossible to find out what is the interpretation of the law given by the Legion or by the Pension Board, or what is the construction which should be given to it.

As briefly as I can, those are the views which I have and the reasons which animated me in making this presentation. I am not caring particularly whether

my views are accepted or not. This is only an effort to meet what I thought was a general desire that something concrete should be placed before us.

I think this memorandum should be incorporated in the evidence.

MEMORANDUM RE PENSION LEGISLATION

1. *The Board of Pension Commissioners*, as at present constituted, to continue to exercise its functions and jurisdiction.

2. The Federal Appeal Board, as such, to be abolished.

3. Soldiers' Advisors system to be discontinued.

4. *Creation of a new court*, to be called Pensions Court. Personnel: Nine judges, not necessarily chosen from the legal profession.

5. *Territorial Divisions*: The Dominion of Canada to be divided into three districts: Eastern, from the Atlantic Coast to Ottawa; Central, from Ottawa to Winnipeg; Western, from Winnipeg to Vancouver. Three judges to be allotted to each division, but to be interchangeable. A Registrar to be appointed to each court, with principal offices at Montreal, Toronto and Calgary.

6. *Hearings and decisions* on all grounds and on assessment.

7. *Jurisdiction of the Court*: To hear and adjudicate upon all claims for pension after the said claims have been disposed of by the Board of Pension Commissioners.

Evidence: All or any evidence whether already appearing in the record of the Board of Pension Commissioners or not may be heard by the Pension Court, provided, however, that should attributability be asked for on the ground of injury or disease resulting in disability, evidence of which injury, or sufficient evidence, has not been produced before the Board of Pension Commissioners, the Court may, in its discretion, refer such evidence to the Board of Pension Commissioners. A hearing may be held on any action which the Board of Pension Commissioners may take on any such reference.

Awards: The awards of the Pensions Court shall bind the Board of Pension Commissioners, and any order made for the payment of pension shall be carried out by the Board of Pension Commissioners.

Sittings: The Pensions Court shall travel throughout the territory within its jurisdiction and hold its sittings in localities which shall be most convenient for the pension claimants to attend.

8. *Soldiers' Representatives*: Two alternatives—

(a) Subsidize Canadian Legion by grants to be placed in the Estimates, to make its own appointments of Counsel representing the soldiers in each locality, and pay a reasonable retaining fee, based on the number of cases presented.

(b) Permit each soldier to choose his own counsel at a fee which shall not be more than..... to be paid out of the Consolidated Funds of Canada, on the order at the discretion of the Court. Any barrister or solicitor collecting fees or any remuneration whatever from the ex-soldier on account of any services which he may have rendered would be debarred from future appearances before the Court.

The Board of Pension Commissioners may retain in each locality for the purpose of presenting its views before the Court, temporary legal assistance

(in the same manner as the Attorney General of the province retains special prosecutors in Crown cases.)

9. *Assessors*: The Court may at its discretion associate with itself medical consultants whose opinions shall have the same weight and authority as that of Assessors in Maritime Courts.

10. *Weight of Evidence*: Instructions shall be laid down in the legislation that the Court may, in cases where no conclusive evidence as to the attributability to war service can be produced, after a consideration of all the circumstances of the case, and medical opinion, give due weight to any reasonable inferences which can be drawn from such circumstances and if convinced that a reasonable doubt exists in favour of the applicant, award pension.

11. *Appeals*: Constitution of an Appeal Court composed of two Judges and a Principal Judge.

Sittings: In Ottawa unless circumstances within the discretion of the Appeal Court require that the sittings be held elsewhere.

Jurisdiction: On the evidence and record an appeal from all cases heard by the Pensions Court.

Special Appeals:

- (a) Directly from the Board of Pension Commissioners in matters arising under Section 21 of the Pensions Act (meritorious cases).
- (b) In matters involving jurisdiction of the Board of Pension Commissioners and the Pensions Court.
- (c) In the interpretation of the Pensions Act.

Decisions: Shall be final and conclusive and no question having been heard and disposed of by it shall be reopened unless special leave has been granted on the production of new and important evidence.

12. *The Principal Judge of the Appeal Court* shall have authority in matters of discipline, and in the allotment and distribution of judges of the Pension Court. He shall also have the final decision as to the localities in which the Pension Courts are to hold their sittings, and generally be held responsible for the conduct and administration of the Appeal Court and of the Court of Pensions.

NOTES:

1. Board of Pension Commissioners becomes largely an administrative body.

2. Hearings in open Court with formality of ordinary Civil Court cases will be of value in restoring confidence of the returned men and the public generally.

3. In camera methods of the Board of Pension Commissioners done away with, and succeeded by open public discussions at which both parties are represented.

4. Onus of proof in favour of the applicant counterbalanced by presentation by counsel of case for the Board of Pension Commissioners.

5. Covers principal points Sir Arthur Currie's proposals, viz., new machinery, facilities for preparation of cases, reasonable benefit of doubt, and full representation of the two parties, the soldier and the public.

Hon. Mr. MANION: These suggestions are pretty extensive. Do you not think we might have copies of it until to-morrow in order to think it over. I would suggest it. I do not know whether the others would agree with that or not.

Hon. MEMBERS: I agree.

The CHAIRMAN: Do you think it would be well to suggest that a sub-committee meet with the Legion now.

Hon. Mr. MANION: I think we ought to consider it among ourselves.

Mr. THORSON: I think we should consider it among ourselves before we meet the Legion.

Mr. MCPHERSON: Offhand I would say that if this were adopted in principle, it would practically eliminate an awful lot of worry over pensions. It might not be wise to leave it to the end or we will be duplicating our work.

The CHAIRMAN: Shall we say Thursday—there is a caucus to-morrow.

Mr. THORSON: Could we not have Thursday for a discussion of this particular scheme.

The CHAIRMAN: Of the principal involved in it?

Mr. THORSON: Yes.

Mr. MCPHERSON: Who would be the principal witness in connection with that?

The CHAIRMAN: I would be the witness on that.

Mr. ARTHURS: I will not be here Thursday. One of the principal difficulties in the past has been that the soldier has not appeared before a Court that was acceptable to him. I will give you an instance of what he is thinking. For instance, say, this Government establishes a dam on a certain stream, and a man thinks his property is being injured by that dam. The Government is under a contractual liability, and are liable for any damages which might occur. This man is allowed not only to show that there was damage, but that the damage was caused by the Government and that it was out of his power to prevent it; and he can bring ordinary evidence.

The trouble with the soldiers, in a great many cases, is that evidence has been refused which the soldier thought he could produce. The soldier has returned from the war and has a disability which at the time was not visible; he is not allowed to bring in ordinary laymen's opinions on the matter. He is not allowed in many cases or, if he is allowed, the evidence given by his own medical practitioner is neglected or overlooked, and it does not carry any weight. What I have thought all along was that we should have something for the soldier along the line of the Exchequer Court where an action could be executed against the Crown in the ordinary way and with the ordinary rules. This suggestion is very much on the same line.

I am of opinion that the Federal Appeal Court has been of little or no use to the soldier. In a great many cases he is appealing on new evidence, not knowing that the Federal Appeal Court is not allowed to receive additional evidence; and the result is that he fails before them and throws up the whole thing in disgust.

Mr. ROSS (*Kingston*): Thursday does seem to be pretty soon.

Mr. MCGIBBON: Would it not be well, Mr. Chairman, to hear the views of the Legion.

The CHAIRMAN: I was of the opinion, if we thought sufficiently well of this proposal, that we might name a sub-committee to consult with the Legion and hear what they thought of it.

Mr. McLEAN (*Melfort*): I think to-day, or at some other meeting, we ought to understand ourselves what the proposal is, because witnesses might not understand it any better than we do. Already doubts have been raised as to the meaning of it.

Mr. THORSON: Why should we not give copies of these suggestions to the representatives of the organized soldiers, and then have them here on the date that we fix for the discussion and get their views; then perhaps the sub-committee would take it up.

The CHAIRMAN: The only point is that taken by Mr. McPherson, that if some scheme such as this is adopted it will not be necessary to amend the Pension Act in many particulars. There may be one or two little amendments. But half of the things proposed to us by the Legion would not need to be discussed because they turn largely upon the interpretation of the Act by the Pension Board. That is why I thought it would be well to get it over as soon as possible and not delay matters.

Mr. MCGIBBON: If we heard the Legion's views first, it might help.

The CHAIRMAN: I gave a copy to their Chief yesterday, and gathered that members of the Legion have been thinking along somewhat similar lines. This is not original, but it is what I have gathered from the highways and byways.

Hon. Mr. MANION: I think we would be wasting time to bring in witnesses at the present time to speak about it. We might consider it on Thursday next or next Tuesday.

Mr. ILSLEY: I would favour Thursday, Mr. Chairman.

Mr. MCGIBBON: Every man would come here next Tuesday with more or less fixed views and opinions in his own mind.

The CHAIRMAN: If this thing has any merit at all, and if the Legion seem to receive it fairly well, the next step, after we agree in principle upon it, in order to hammer it into legislation we should hand this whole idea over to the Department of Justice and to our own solicitor, Colonel Biggar to work on during the recess. I believe we should have got at least to the point, before recess, where we could say that we should try it out and then let us see what it would look like when drafted into legislative form. We should go that far or say that we do not want it at all. We could have a Bill drawn up during recess along these lines.

Mr. BLACK (*Yukon*): When did the Minister see it?

The CHAIRMAN: Last night.

Mr. BLACK: In speaking of turning it over to the Committee's solicitor, you are turning down the Department's solicitor?

The CHAIRMAN: No, the Department would not have anything to do with the administration.

Mr. MCPHERSON: Mr. Chairman I move that we discuss this again on Thursday.

Mr. ROSS: (*Kingston*): Say on Tuesday.

Mr. MCPHERSON: Say Tuesday.

The CHAIRMAN: What will we do in the meantime?

Then I take it that this goes over until Tuesday, for the consideration of the suggestions.

Mr. HEPBURN: Before we pass finally on this, do you not think we should hear the representatives of the Legion, say on Thursday of this week?

The CHAIRMAN: Will the Legion be prepared to discuss this with us on Thursday?

Col. LAFLECHE: Yes, Mr. Chairman, we will be quite ready on Thursday, if we may have copies.

Mr. ADSHEAD: Does this proposal mean the abolition of the Appeal Board?

The CHAIRMAN: Yes.

Mr. THORSON: I move that we hear the Legion on Thursday.

Hon. Mr. MANION: The idea being that the Legion will discuss it on Thursday, and we will be ready for Tuesday.

The CHAIRMAN: Will the Legion be ready to go on with other things?

Col. LAFLECHE: We will be prepared to go ahead with other things not affected by these suggestions.

Mr. THORSON: I would suggest, Mr. Chairman, that we should be advised in advance of the subjects that the Legion intends to deal with before this Committee from time to time, so that we may have the benefit of concentrating our attention on those particular recommendations.

The CHAIRMAN: Would Col. LaFleche come up here?

Col. LAFLECHE: I am presenting Mr. Barrow this morning, Mr. Chairman.

The CHAIRMAN: Will Mr. McPherson, the vice-chairman, appointed at the last Session, come forward and take the Chair, as I have to go and fight somewhere else?

The VICE-CHAIRMAN: Gentlemen, we will hear Mr. Barrow on behalf of the Legion.

Mr. F. L. BARROW called.

By the Vice-Chairman:

Q. What point do you wish to take up first?—A. Resolution No. 6, referring to pensions to brothers and sisters.

Q. That is a new provision entirely?—A. This proposal requires a statutory amendment, if it is to be accepted. It provides a benefit for prospective dependency of brothers and sisters. The point was raised in 1928, and I refer to the discussion which took place, as shown on pages 77 to 80 of the proceedings of the Special Committee. At that time, in 1928, it was suggested that the proposal would let in certain cases such those of a brother who had reached the age of eighty and became dependent. That, of course, is not the intention at all. The intention of this proposal primarily is to provide pensions for an invalid sister or brother, where there is strong presumption that the deceased soldier would have supported the brother or sister had he survived. You will find, in looking over the evidence given in 1928 and the discussion, that there was a fairly general approval by the Committee of this suggestion. A type case was cited, and the story was given on pages 112, 113 and 114. I am not going to refer in detail to the discussion but there are just one or two extracts from the evidence of 1928 that I would like to read into this record.

On page 78, one of the members of the Committee said "In the case you have just cited is it not eligible under Section 21?"

Another member of the Committee said: "We will save the country a continual revision of the Act if we can get a compassionate meritorious clause that will cover it."

Another member said: "I would rather see it dealt with under the meritorious clause," And again a member said "I think we should make this a test case, get the facts, and see where we stand, and judge how the meritorious clause has worked out."

The young woman whose case was cited died in March, 1928, a charity patient in a hospital, during the deliberations of the Committee. Her case was not considered under the meritorious clause, as had been suggested, but a somewhat similar case was referred under Section 21 of the Pension Act. Quite recently judgment was handed down by the special tribunal constituted in 1928, stating that the case was not one in which a recommendation should be made. The situation as it stands at present is this, that in order to be eligible for an

award of pension a brother or sister must have been wholly or mainly dependent on the soldier on the date of his death.

We are asking that if in the opinion of the Commission the brother or sister would have been wholly or to a substantial extent maintained if the brother had not died, then that the case may be considered by the Board of Pension Commissioners and an award granted if deemed appropriate.

The meritorious clause has been tried, and it has been found that the case submitted is refused, and we are simply asking for the opportunity to approach the Board of Pension Commissioners and present the case to them, and to have them empowered under the statute to consider it.

By the Chairman:

Q. You are restricting it to brothers and sisters who are physically incapable of looking after themselves?—A. I think that would be satisfactory. Any number of restrictions might be put in, I think, as long as it was left open under the Act for the Board of Pension Commissioners to consider the case.

By Mr. Gershaw:

Q. Is that putting them in the same position as if they were dependent parents?—A. Yes, very much.

Q. Why not combine them?

MR. HEPBURN: Why were they not admitted under the meritorious clause? The Board had power to deal with any case of a member of the Forces or any dependent of any member of the Forces, but we have found the results were very poor.

By the Vice-Chairman:

Q. Was the ground that the applicant was not a dependent at the time of the death of the soldier, in the opinion of the Board?—A. I do not know the ground of course. Primarily the dependent was out under the Act, and that may have been the ground.

By Mr. Hepburn:

Q. Have you any idea how many cases of this kind there will be?—A. They will be very few, I would say not more than half a dozen, although there may be more than that. I want to make it clear that it is not the intention of the Legion to make it apply,—

Sir EUGENE Fiset: That is exactly what you are saying.

Q. Is there a very great difference between the rights of the children and the rights of brothers and sisters?—A. In some cases. Take the case of an invalid sister and widowed mother. A man enlists. Prior to enlistment he has perhaps been working a farm, or at any rate has been supporting the household, the mother and invalid sister. When he enlists he assigns pay to his mother only, to whom separation allowance is payable. Now, it is a question whether the assigned pay and separation allowance could be deemed to be substantial support for both the mother and sister. It is true they got along on it, probably supplemented by a grant from the patriotic fund, but it would be difficult to say that the sister as well as the mother was wholly or substantially maintained.

Q. I remember that particular case, but what I have in mind is this: We find in some of the provinces that it is the legal duty of the son to maintain his parents, and we appreciate their subsequent right to pension upon the loss of their son through war service, but does that extend to the same degree to the brothers and sisters of the deceased soldier?—A. No, I do not think there is

provincial legal provision there, but there is certainly the intention of the soldier, and, we feel, the intention of the act itself to take care of dependents.

Q. Oh, yes, if they are dependent, but you are bringing in there the case of prospective dependents.—A. At present the act says they must be wholly or mainly supported at the time of death. Supposing a man's only relative was an invalid sister. Of course, he assigns pay to her, and separation allowance is also paid to her, and she is really pensionable under the present law. But these proposals are to take care of the few cases which have come to our attention.

Q. Have you any idea how many cases there are of that sort that have come before the board and have been turned down?—A. I know of about half a dozen. I do not know how many there would be, probably somewhat more than that.

By Mr. McLean (Melfort):

Q. In those particular cases, do you know if these sisters were residing with the mother and wholly dependent on the soldier?—A. Yes. In some cases the sister contracted her disease during his war service, and in some cases post-discharge.

Q. If you allow it in cases of that kind there would not be much trouble?—A. Which kind?

Q. Where the mother and sister were largely or substantially dependent upon the soldier?—A. I would not like to see the section limited entirely to that class. I think the safeguard is to leave it to the discretion of the commission, as we have it in our proposal.

By Mr. MacLaren:

Q. Were all the sisters unmarried?—A. Oh, yes, all the sisters that we had in mind were unmarried.

Mr. McLEAN (Melfort): If the principle is once conceded that would be extended.

Mr. HEPBURN: Yes, that is the worst feature.

By Mr. Hepburn:

Q. You are willing to admit this, that it is better to have it on a meritorious basis than to have it left wide open? Take the Home Bank, for instance, where the matter was practically left wide open?—A. I would certainly be unwilling to have this dealt with under that aspect of it, because in this case there is a definite merit. In the other, it is charity.

Q. I know there are cases where that can be said.—A. Yes.

By Mr. Thorson:

Q. But take in the case of dependency?—A. Well, for instance, I have a case in the office of a mother and daughter who were left in good circumstances at the time of the boy's enlistment. He did not assign pay. During the war the mother died. The sister had a long illness, but in the meantime the brother was killed. Meritorious cases, as a rule, are really charity.

By Mr. McGibbon:

Q. Why do you say meritorious cases are all charity?—A. It is a compassionate allowance.

Q. But it is based on meritorious service?—A. Yes, good service is a point of merit.

By Mr. Speakman:

Q. It is not a statutory right?—A. No, it is not a statutory right.

The VICE-CHAIRMAN: I think it is a statutory right, subject to certain conditions.

WITNESS: The statute definitely quotes a compassionate pension allowance.

By the Vice-Chairman:

Q. Supposing we adopt your suggestion, what would happen?—A. I think it would be perfectly safe to insert that, giving to the commission power to use their discretion.

Q. But the proposal has not been drafted yet?—A. Yes, the proposal has been drafted.

Mr. SPEAKMAN: We are not passing on any one of those suggestions now, but we will have to consider this suggestion, with relation to other suggestions, at a later time. I think we understand the situation.

The VICE-CHAIRMAN: Is the Committee satisfied?

Mr. ARTHURS: I would like to cite a case. There will be no application, but I think it covers the ground pretty well. A young man, whom I know well, enlisted. At the time he enlisted he was a student, consequently he assigned pay to nobody. His father was able to take care of himself. He had a crippled son. The father subsequently died, the son was killed, and the crippled son is not pensionable, under the act, and at the present time has no visible means of support.

Mr. THORSON: That is a case very similar to the one Mr. Barrow brought out.

Mr. ARTHURS: This was a case where it was impossible for the son to assign pay; he was a student.

The VICE-CHAIRMAN: If the Committee is satisfied, we will ask Mr. Barrow to go on to the next item.

Mr. MCGIBBON: Do you not think it would be well to hear Colonel Thompson.

The VICE CHAIRMAN: Is there anything you would like to say on this point, Colonel Thompson?

COLONEL THOMPSON: You will find it in the evidence of two years ago, Mr. Chairman. I would point this out to the committee, that this provision will give a pension, under conditions where the children of a deceased soldier would not get a pension. Here is the case that Mr. Barrow proposes. There was no dependency, and then after the man gets between thirty and forty years of age, whatever it is, he becomes crippled and unable to earn a livelihood, and the Legion's proposal is that the brother or sister should receive a pension. Take the case of a man with a family. He supports this family, gives them board and lodging, and so on, until they become twenty or twenty-one years of age. Supposing the child of a soldier at twenty-one years of age becomes crippled. He has supported that child until then. That child will not be pensioned, nor is there any request for pension, but on the other hand there is an indefinite presumption that the deceased brother would have supported the child, and that is the reason for the crippled brother getting pension; the brother and sister of a deceased soldier are given consideration, but there is no consideration for the soldier's own children. I am not saying whether it should be granted or not. You will find all that set out in the evidence of two years ago.

Mr. GERSHAW: It is suggested that it might be left to the discretion of the board. How would the board decide as to what dependent brother or sister should receive a pension.

COLONEL THOMPSON: I am not able to say at the moment. It is a pretty indefinite thing. For instance, if a man was killed in 1916, and twenty-five years after one of his children becomes crippled and unable to earn a livelihood; the deceased's brother may in the meantime have died after discharge; he may have got married. It is difficult to say what would have happened years after.

The VICE CHAIRMAN: I think that would depend entirely upon the drafting of the amendment.

COLONEL THOMPSON: Even at the present moment the curious feature about the statute is that brothers and sisters are presently preferred to soldiers' children.

Hon. Mr. MANION: In what instance?

COLONEL THOMPSON: If a brother and sister were mainly supported by a soldier.

Mr. ROSS (*Kingston*): What section will that be?

COLONEL THOMPSON: You will not find it set out definitely and categorically the way I am explaining it, but if a brother and sister were mainly supported by the soldier at the time of his death, then if at any time in the future they become disabled they are entitled to a pension, at the rate of about thirty dollars a month, or less, according to the assessment. On the other hand, a soldier's child is supported and maintained until he is twenty-one. If he thereafter becomes disabled that soldier's child does not get pension, according to the statute.

Mr. HEPBURN: That is a sort of anomaly, is it not?

COLONEL THOMPSON: Yes. The present proposition is to enlarge that legislation in favour of a preferred group who were not the soldier's children.

Mr. HEPBURN: Would it not be well to have Mr. Barrow give us his opinion on that?

The VICE CHAIRMAN: Yes.

By Mr. Hepburn:

Q. Is not that rather an anomaly, that you are making special cases of the brother and sister and no provision for the children, who might become dependent after twenty-one years of age?—A. Yes, that is perfectly true.

Q. There is an anomaly existing there, and you are really giving a preference to the brother and sister over a child who might, after twenty-one years of age, become dependent?—A. That is quite true, but the Legion tries not to burden you with too many problems until we are definitely seized of them. There have been very few cases, if any, that have come to my notice. I think some discussion took place in 1928 on the point.

COLONEL THOMPSON: Section 34 reads:

A brother or sister of a member of the forces who has died shall be entitled to a pension when such member of the forces left no child, widow or divorced wife, nor a woman awarded a pension under sub-section three of section thirty-two of this act, entitled to pension, and when such brother or sister is in a dependent condition and was, at the time of the death of such member of the forces, wholly or to a substantial extent maintained by him.

The VICE CHAIRMAN: That gets over everything, I think, except the fact, as Mr. Barrow suggests, as I take it, that it would not be necessary for them to be dependent at the time of the death of the deceased soldier in order to qualify for a pension. That would be the effect of your proposal, would it not?

The WITNESS: Yes.

By the Vice Chairman:

Q. That is, if they were dependent at the time of death, they have a right to pension?—A. Yes.

The VICE CHAIRMAN: Mr. Barrow's suggestion, broadly, is that if they become dependent even ten years after the soldier has died, they have a right to pension.

Mr. THORSON: There is a presumption of dependency at the time of the soldier's death.

Mr. BLACK (*Yukon*): That is at the discretion of the board.

Mr. SANDERSON: About how many cases would there be where a brother or sister is now drawing pension?

COLONEL THOMPSON: Well, I could only make a shot at it.

Mr. SANDERSON: Well, approximately.

COLONEL THOMPSON: If I made a shot at it, I would say fifty. They are increasing now, that is, applications by brothers and sisters are increasing.

Mr. BLACK (*Yukon*): That is, invalided brothers.

COLONEL THOMPSON: And sisters.

By Hon. Mr. Manion:

Q. Mr. Barrow, do you not think yourself that that is a little strange, that we should really put a brother or sister in a preferred position as compared with the child of a dead soldier; what have you got to say about it? Speaking for myself—and I think I could speak for nearly everyone—it does seem strange to me?—A. Yes, I think it is absolutely wrong to give the brothers and sisters preference. The point was raised in 1928, if I remember correctly, that the age limit of twenty-one, wherein a child must have become invalided, should be removed. That was not recommended, though, and I cannot recall a case of dependency on the invalidism of a child after the age of twenty-one.

Q. Of course, there have not been so many of them that have reached the age of twenty-one?—A. If a child becomes invalided before he reaches the age of twenty-one, the pension continues indefinitely, but if a child is twenty-one years of age and one month when he contracts the disease, then he has no right.

Q. Yes, and according to this suggestion, the brother and sister would have the right. That is the thing that puzzles me.—A. I do not think the question has arisen with children.

The VICE CHAIRMAN: The whole crux of this suggestion is dependency at the time of death. Take subsection five of section thirty-four:

"When a brother over the age of sixteen years or a sister over the age of seventeen years is in a dependent condition and was wholly or to a substantial extent maintained by a member of the forces at the time of his death, such brother or sister may, in the discretion of the commission, be awarded a pension not in excess of the amount provided in schedule B for orphan children while such brother or sister is incapacitated by mental or physical infirmity from earning a livelihood.

By Hon. Mr. Manion:

Q. According to the present law, a brother becomes dependent after the death of the soldier, and, according to Mr. Barrow's suggestion, in certain cases he would get a pension, but on the other hand a child who was being brought up by the parents, and was being supported, so far as a soldier could support his children, reaches the age of twenty-one, and yet has no rights.

That is the point that puzzles me.—A. Of course, that is an anomaly. To be consistent you would have to take out the twenty-one years age limit for children. I do not think the problem has reached any magnitude, because of the age of the children.

Hon. Mr. MANION: In the one you have had cases, and in the other you have not. That is the difference.

By Mr. Ross (Kingston):

Q. You have noted the type of case where a dependent daughter and mother were left by a soldier, the pension is given to the mother, and then at her death the pension ceases. Some of that difficulty could be overcome if before the mother's death and during the time of that pension it had been divided.—A. Yes, we have tried that, and in some cases that has been done and the pension has been apportioned between the two.

By Hon. Mr. Manion:

Q. When they are living together, you have the two with one pension, but when the mother dies that leaves very little for the brother or sister crippled or unable to earn a living—so little that it is practically nothing.—A. But we are still told that according to the Statute that sister must be wholly maintained at the time of death. If you have a pensioned mother living with an invalid sister and you make application for an apportionment of the pension between the two, so that whichever one survives the pension will continue, the pension Commissioners look up the records and find that the sister was not wholly or mainly supported at the time of the death of the soldier.

The VICE CHAIRMAN: Col. Thompson wishes to speak on the point just raised.

Col. THOMPSON: Brothers or sisters, where there is a mother who has been awarded pension, are not by any means debarred, nor are they always debarred from receiving a pension. Where, for instance, a son who was killed overseas was the main support of a family, supposing there was a widowed mother and he was the one who brought the money into the exchequer and kept the family going and there were no others to assist, or if he were the main one, if on enlistment he assigned pay and there was a separation allowance, and there was such a sister, that sister would be entitled to an allowance after the mother's death, or they would be called sometimes joint dependents. That would not carry on to all the children; but that child or that sister would be entitled to a pension if she were unable to earn a livelihood.

Mr. Ross (*Kingston*): Supposing there is a sister dependent at the time the man went away, but through ignorance the mother takes the pension and has not subdivided it, then at the time of her death, which occurs two or three years later, the daughter would be debarred.

Col. THOMPSON: That would not debar the sister; it would depend upon whether she was dependent. If he assigns his pay to his mother and there was separation allowance granted, that would be an indication that he was the mainstay of the family. If there was evidence that he was the mainstay of the family at the time of enlistment, in the case which Mr. Barrow has cited, there would be an allowance.

Mr. Ross (*Kingston*): You say that there cannot be anything because the mother has been granted a pension.

Col. THOMPSON: The mother would have got \$60 a month as a co-dependent with the sister, if the boy was the mainstay of the family prior to enlistment, and there was separation allowance, if there was no father living. If the girl was totally incapacitated and there were no brothers or sisters to help her, she

would be pensioned at \$30 a month. It is entirely a question of the evidence and of dependency and the extent of the dependency.

Mr. Ross (*Kingston*): If the father is dead prior to enlistment, and if there was a mother's pension, you would not give it after the mother's death to the sister?

Colonel THOMPSON: I wish to make it perfectly clear that there must be cogent evidence that this man was the sole support of the family prior to enlistment and there was separation allowance of the equivalent of it.

Mr. Ross (*Kingston*): And that sister then is still entitled?

Colonel THOMPSON: If she is disabled or without assets.

Mr. Ross (*Kingston*): If she has a chronic life illness?

Colonel THOMPSON: And without assets.

Mr. Ross (*Kingston*): One part of the case presented by Mr. Barrow is where through ignorance they only got the one pension, which was to the mother, and the mother died, and then they say that they cannot give a pension to the daughter because it was awarded to the mother.

The WITNESS: Mr. Thompson's statement is the argument which we presented to the board. Sometimes it works and sometimes it doesn't. What we are seeking to have removed is the restriction as to the extent of the dependency of the sister.

By Mr. Thorson:

Q. And that dependency should be presumed, whether there was dependency or not,—is that so?—A. The proposal is that the pension should be awarded unless the commission is of opinion that the applicant would not have been wholly or to a substantial extent maintained by such member of the forces if he had not died.

By Mr. McGibbon:

Q. Is that not the law as it is given to us according to Colonel Thompson?—A. No, the proposal only requires that the brother or sister shall subsequent to death have fallen into a state of dependency, unless there is evidence of dependency at the time of death.

By Mr. Thorson:

Q. So that this resolution would create such a presumption of dependency as to warrant the board in considering the case?—A. Yes.

Q. Does the board in all cases, when dependency has been proved, divide the pension or give a single pension,—does the board do that on their own responsibility, without having been requested by the applicant to divide the pension?

Colonel THOMPSON: In the case of a mother carrying on, sometimes the decision is to pension the mother and daughter as joint dependents.

Mr. THORSON: That is decided by the board without a special application?

Colonel THOMPSON: Yes, we decide that on the evidence. I wish to make it perfectly clear that in the case where there is a mother and sister, where the sister would be pensioned in addition to the mother would be where the deceased soldier was looked upon by the board as the head of the family and really standing in the place of his father.

Mr. THORSON: And is it not the fact also that where there is a dependent sister and the pension has not been divided, it is because the mother has applied for the full pension and has never mentioned the dependent.

Colonel THOMPSON: Yes.

By Mr. Adshead:

Q. It was stated that sometimes it works and sometimes it does not. Just what was meant by that?

The WITNESS: That sometimes the evidence does not satisfy the board that the brother or sister was wholly dependent at the time of the death of the member of the forces.

Q. That is not the fault of the law. If at the time of the application the mother had stated to the board that she had a dependent, a crippled daughter who would later on be entitled to a part of that pension, and if she or other applicants took upon themselves not to ask the board to provide in the future for the crippled daughter, the board is not responsible for that. It is the applicant that made the mistake.—A. That does not entirely cover the case, because there are cases now where the mother is drawing the pension, and you request the Board to make the apportionment between the mother and the daughter, and they do it because the daughter is dependent. That is satisfactory as far as it goes, but it does not cover the daughter who is not shown to be the dependent wholly or partially at the time of death.

The VICE-CHAIRMAN: I think the crux is back where I mentioned. What Mr. Barrow presupposes is that the daughter or sister can become dependent after the death of the soldier, when they were not dependent at the time of his death. For instance, if a soldier died overseas whose father and mother were living at the time of his death, with a dependent daughter who is a cripple, then there is no question of the pension to that sister. But if the mother and father were to die subsequently to the soldier's death and leave that girl a cripple, Mr. Barrow wants us to presume ten years afterwards that the soldier would be presumed to have supported that daughter.

WITNESS: Yes.

Sir EUGENE Fiset: The section does not give the crippled sister a pension, I realize, but that is not the fault of the law or the Pension Board.

Hon. Mr. MANION: It is through ignorance, and you cannot let anyone suffer because of that.

WITNESS: I think it is the state of the law that we are complaining about.

Sir EUGENE Fiset: She is dependent upon the brother while he is alive, and after his death the mother gets the pension and then she becomes a dependent of the mother, after they have not applied for a division of the pension.

WITNESS: Of course, ignorance comes into it a great deal; but when the circumstances are understood by the claimants and are presented to the Board, they then make the apportionment if she is then dependent.

In 1928 the Committee seemed to think the case was a compassionate one, under the meritorious clause. We have since then put up a case under the meritorious clause and it was refused.

By Mr. Hepburn:

Q. Was it refused because it was barred by statute? I would rather see the bar let down in other directions than in this. As General Ross says, we do not want to bar anybody because of ignorance of the law, but if you give a statutory right, you might open the gate for a lot of frauds in other cases put upon the Board, and you might have the Board upon the defensive all the time?—A. I thought it would be safe if the Board pensioned only in cases where it was clear. The Commission are given discretion.

Q. The meritorious clause to-day lets them in.—A. In any special case.

By Sir Eugene Fiset:

Q. May I ask if the special case which you refer to was dealt with by the Board of Appeal?—A. In 1928 a special court was constituted. This case was first of all presented to the Board of Pension Commissioners, and they found that the girl was not wholly or to a considerable extent, maintained at the time of death. Then it was taken before the special Board and they refused to make a recommendation.

Q. And there was no reason given for the refusal?—A. No, I have never seen reasons.

Sir EUGENE FISET: As the Court of Appeal will be constituted in an entirely different manner from that at the present time, if a meritorious clause is to be considered, would not that Board have wider powers than the Court of Appeal at the present time, as the evidence will be heard in open court and there will be rulings, verbal or written, in reference to it, do you not think it would be well to wait a couple of years to see how this will work out?

The VICE-CHAIRMAN: Acting on the meritorious clause if the Board found that the person was not a dependent, I think the Board would have to refuse the application. It is the dependency which is the ruling factor.

Sir EUGENE FISET: Is that the reason why the Board refused it?

The VICE-CHAIRMAN: I would expect that the evidence did not show that at the time of the death of the soldier the person was a dependent of the soldier.

Sir EUGENE FISET: And due to the fact that the mother has the pension herself.

Mr. THORSON: And due to the fact that if the child was dependent on the deceased brother at the time of his decease, she would get a pension; and if she was not, she would not.

By Mr. Adshead:

Q. Now the Legion wants to give the Board power to say that she has to have a pension if the presumption is that she would be supported or maintained?—A. We ask that the Board be given discretion, where in the opinion of the Board the soldier would have supported the sister.

Mr. HEPBURN: If they are barred by statute now, I think there is merit in that.

By the Vice-Chairman:

Q. What is the next clause which you wish to discuss this morning?—A. The next is proposal 6 (a), which is contingent upon the acceptance of the proposal which you have just been discussing.

Section 37 reads at the present time as follows:

37. Pensions awarded with respect to the death of a member of the forces shall be paid from the day following the day of the death except

(a) in the case in which a pension is awarded to a parent or person in place of a parent who was not wholly or to a substantial extent maintained by the member of the forces at the time of his death, in which case the pension shall be paid from a day to be fixed in each case by the Commission.

(b) in the case of a posthumous child of a member of the forces, in which case the pension for such child shall be paid from the date of its birth.

The suggestion is that the words "or a brother or sister" be inserted after the word "parent" in the second line of the section, in order to make it conform with the acceptance of proposal No. 6.

Sir EUGENE FISET: If No. 6 is accepted, this would naturally come in.

By the Vice-Chairman:

Q. Mr. Barrow, would you explain to the Committee what the reason is for it and what the result will be of this amendment in 6 (a), from your standpoint?—A. It is merely to conform with the result if proposal No. 6 is accepted. Now shall I proceed to proposal No. 10?

The VICE-CHAIRMAN: Yes. Proposal No. 10 is the next.

WITNESS: Proposal No. 10 suggests an amendment to section 12, subsection (c), of the Pension Act. It has to do with service aggravation of venereal disease. When the man who was suffering with a pre-war venereal infection is discharged from the army with a disability of an assessable extent, pension is awarded for that disability, providing he has seen service in the theatre of actual war; but the rate of pension remains constant at the degree of disability at the time of discharge. Consequently you find men who are receiving a small pension of ten or fifteen per cent, who are totally disabled as a result of disability from the disease which was aggravated during service in the theatre of war.

This proposal was discussed in 1928, and I think it was fully understood there accepting on one point, to which I am going to refer in a moment. The proposal does not extend the class of pensioners. The proposal only benefits the men who have already been given an award, and everyone of these are men who served in the theatre of war and received aggravation of the condition.

The discussion in 1928 is shown at pages 31 to 35 of the proceedings of the Committee, and the representatives of the Board of Pension Commissioners gave their opinion on pages 385, 386, and 387. There was a general opinion, apparently, through the discussion, among the members of the Committee that a post-discharge further infection of venereal disease would cause an increase of the pensionable disability.

Since 1928 we have made careful inquiries on that point, and although there are medical men here and I may be wrong, I am going to venture to give an explanation which I think will justify our proposal. I understand that syphilis which reaches the tertiary stage, either attacks the central nervous system or the cardiovesicular system. I also understand that when a man has had an infection of syphilis it is very rare that he shall receive a second infection; but in any event, an infection of syphilis which attacks the central nervous system gives immunity from a further attack on the central nervous system by syphilis. Similarly, with a cardio-vesicular system, a man who had pre-war infection and goes out of the army with a pensionable disability and is pensioned for that disability and then incurs another attack of syphilis which attacks the other system, we think it should not be difficult for a specialist to determine very easily that that was not an increase of the service disability.

I also want to put before the Committee another point, and that is that in these cases the service aggravation is not misconduct. The aggravation, I believe, is caused by some disease suffered during service, some feverish disease, or the disease of syphilis is exacerbated, or flares up because of physical or mental strain over a long period. The point is that pension in these cases is restricted to those who served in the theatre of war, and in the second place the aggravation must have taken place as a result of service conditions, which was certainly not misconduct.

By Mr. Gershaw:

Q. Can you give us an idea of the number of men who would be affected, if that amendment which you propose were accepted?—A. The number of men who are now on pension due to syphilis. There would be no increase.

Col. THOMPSON: Dr. Kee informs me that it would be somewhere between five hundred and a thousand.

By Mr. Thorson:

Q. Would it be possible to draw a distinction between those cases where the increased disability of the soldier is due to the aggravation from service rather than to the original pre-enlistment condition? I would think this, that if by reason of the military service the man's condition is aggravated, he is clearly entitled to pension, as he is entitled under the law now; and that if his disability increased after discharge, by reason of the aggravation due to military service, he should be pensioned in respect to that increased disability. But is it possible to draw that line that I suggest?—A. I think it is the accepted practice of Canadian Pension Law that you cannot distinguish between a service aggravation and the original disease. If the service aggravation occurs, then the condition is all aggravated?

Q. What I am getting at is this: in ordinary cases where pension is awarded for aggravation, the Board continues the same degree of pensionability—the same ratio. For example, a man is discharged with a pensionable disability, forty per cent is regarded as aggravation, then his pensionable ratio is fifty per cent; subsequently his disability increases to eighty per cent. The Board give him forty per cent, continuing the same ratio of pension due to the aggravation. They do not do that in venereal diseases. I confess I do not see any reason why they should not deal with venereal disease in the same way as they deal with any other form of aggravation due to war service.

By Mr. Thorson:

Q. Well, is it what you are saying? I think your legislation goes farther than that.—A. Because the man served in a theatre of war he receives pension for his disability.

Q. Quite, but you go further than the illustration I gave?—A. You were giving the illustration of a man who did not serve in a theatre of war.

Q. Yes, because, of course, the aggravation does not arise. You want to put your venereally diseased man in the same category as the man who served in a theatre of war. Would it not be reasonable to put him in the same category, in respect of venereal diseases, with persons who are now receiving pensions purely for aggravation?

The VICE-CHAIRMAN: Under this, they receive pension for the disabled condition.

Mr. THORSON: I understand that perfectly, Mr. Chairman.

WITNESS: At the present time there is no statutory provision at all.

By Mr. Thorson:

Q. For giving him any increase in pension?—A. Unless he served in a theatre of war. Our proposal only deals with those cases who have served in a theatre of war. It does not deal with the case of a pre-enlistment venereally diseased man who served in England and came out with an aggravation; he is not pensionable at the present time.

Q. Not at all?—A. Not at all.

By Mr. McGibbon:

Q. You are not on sound ground there, Mr. Barrow. Increasing disability, on account of venereal disease, especially syphilis, depends practically altogether on whether he is treated or not. They gave these men treatment. If they did not take it, it was their own fault.—A. There is a safeguard against

that for refusal of treatment even now. If these chaps even now refuse treatment they suffer the penalty of having their pension cut.

Q. But you cannot distinguish between increasing disability in syphilis, no matter what a man's occupation is; there would be practically no increase in disability, in my opinion, after he was discharged from the army any more than there would have been if he never had been in the army.—A. We are only asking for consideration in those cases where the records of the Board of Pension Commissioners, by examination, show that the disability has increased since discharge.

Q. I know it is bound to increase, if it is not treated. It increases in private life, if not treated, until a man becomes totally incapacitated.

MR. SPEAKMAN: The increase is not due to war service.

By Mr. McGibbon:

Q. Some cases, of course, can be cured; they can be arrested by treatment.—A. If the facilities are available for treatment, all well and good. I have not known of any case, in my experience, where the pensioner has refused to take treatment. There may be some, but they suffer the penalty by way of cut in pension.

MR. MCGIBBON: There is not a medical man here but what has arrested syphilis.

MR. ROSS (*Kingston*): I am not an authority on this subject, but I doubt if the treatment in some of those cases would do a man any good after that length of time.

DR. KEE: The assessment on discharge was arrived at arbitrarily. A man may have syphilis in his blood and no disability at all. A great many of those who went into the army had a syphilitic infection, and no disability, and during service they developed tremors, nervousness, gastric vomiting, and so forth, and they were diagnosed tabes. They came out of the army with a forty or fifty per cent disability. Then the question came up as to whether army service had anything to do with the progression of this disease, and the Board of Pension Commissioners at that time, before arriving at a decision, conferred with different countries, Germany, France and England, with regard to their treatment of these conditions, and some of the big neurotical men said that army service did bring on the real symptoms of syphilis, namely, the tertiary stage of tabes, syphilis, and that sort of thing, which would not otherwise have happened had they not been in the army, or it would not have happened since. Therefore, the Pension Act at that time said that no pension should be paid for this disease, and the commissioners, after getting this information, said, we will use our discretion and we will give them their total disability at the time of discharge with no increase, rightly or wrongly. That came up, when they served in a theatre of war, that is, that they suffered real hardship. As to the men who got to England and Canada, they said there was no aggravation, their service did not in any way affect it and they got no pension. Then we repeated that at the different parliamentary committees year after year, and this committee recommended that that should be made statutory and, as a result, we have the statute to that effect. Now, the proposal is, as I see it, that this shall be continued like any other injury or disease; from time to time as it gets worse, the pension shall be increased. But that is the way it was arrived at in the first instance. The commissioners used their discretion in an arbitrary manner.

By Mr. MacLaren:

Q. I do not quite follow, Mr. Barrow, just what is arrived at from that?—

A. Well, in 1928, there was general discussion as to the disability of a man

receiving a second venereal infection, thereby increasing his disability by his own misconduct. That is shown in the discussion at pages 31 to 35.

Mr. HEPBURN: I think there is a lot of merit to this. As a matter of fact, I think there is more public criticism caused by cases of this type than any other. A man may be pensionable to the extent of 15 per cent, and at the same time be totally incapacitated, whether the progression was due to war service or not, the fact remains that the man is unable to undertake a job of any kind, and the man on the street feels that the country should take care of that man. There has been progression since his discharge, probably due to war service aggravation.

The VICE-CHAIRMAN: The question of gonorrhœa, I think, was discussed, and the question of a second infection came up. That is a venereal disease which would be affected here.

Mr. McLEAN (*Melfort*): That is not what Mr. Barrow was referring to.

Mr. GERSHAW: With our eyes open, we made it that these men should be entitled to pension. The moment we have given them the statutory right to pension they should be treated for aggravation. I agree with Mr. Barrow.

Mr. HEPBURN: So do I.

The CHAIRMAN: What would be your next proposal?

WITNESS: No. 9.

Mr. HEPBURN: It is nearly one o'clock, Mr. Chairman.

Mr. ROSS (*Kingston*): I think we had better adjourn.

The VICE-CHAIRMAN: Then the Committee will adjourn till Thursday next at eleven o'clock in this room. The Committee will deal with the suggestion made by Mr. Power, at that hour.

The Committee adjourned until Thursday, April 3, 1930, at eleven a.m.



APPENDIX No. 3.

Recommendations of the Canadian Legion and other Organized Associations of ex-Soldiers as to Pensions, the Federal Appeal Board, Tuberculous Veterans and other Subjects.

APPENDIX No. 3

INTERIM

RECOMMENDATIONS (OR SUBJECTS TO BE TOUCHED UPON) OF THE CANADIAN LEGION OF THE BRITISH EMPIRE SERVICE LEAGUE, WITH WHICH ARE INCORPORATED RECOMMENDATIONS OF THE ARMY AND NAVY VETERANS IN CANADA, THE AMPUTATIONS' ASSOCIATION OF THE GREAT WAR, THE SIR ARTHUR PEARSON CLUB FOR BLINDED SOLDIERS AND SAILORS, AND THE CANADIAN PENSIONERS' ASSOCIATION.

AS TO PENSIONS

1. Discussion of the question of "Onus of Proof."

Generally, under the heading of Pensions, the Legislative Program includes:—

2. Removal of the time limit governing applications of widows and dependents.

3. Equitable provision for pension to widows married subsequent to service injury or disease, to be accomplished by setting a date prior to which such marriages shall be recognized for pension consideration, and providing for similar recognition in the future with adequate safeguards.

4. Removal of the limit affecting widows of members of the Forces pensioned in classes one to five.

5. That it should be presumed, where parents are in a dependent condition, that the deceased son, a member of the Forces, would have contributed to their support had he lived.

6. That provision be made permitting award of pension to dependent brothers and sisters in a manner similar to the provision for parents.

7. That deduction for pre-enlistment disability shall be reasonably limited, unless the percentage of disability was obvious on enlistment within the meaning of the Act.

8. That a pension, which has been commuted, shall be restored with appropriate adjustment if the disability remains.

9. That pension be paid in accordance with the extent of the disability shown to have existed during the post-discharge period.

10. That where pension has been awarded under section 12, subsection (c), of the Pension Act, payment shall be continued in accordance with the degree of disability present from time to time.

11. That the Pension Act be so amended as to provide equal treatment to all ranks in the matter of Helplessness Allowances.

FEDERAL APPEAL BOARD

12. That the time limit be removed so that newly discovered evidence may be submitted for consideration after unsuccessful appeal, if and when it is obtained.

13. That an appeal shall lie in respect of any decision by the Board of Pension Commissioners.

14. That provision be made that cases coming within the intent of, and decided prior to the 1928 amendment to section 51, subsection (1), of the Pension Act with respect to medical classification, be reopened.

SPECIAL COMMITTEE

15. That the attention of the Committee be directed to the congestion which at present exists in the work pending before the Federal Appeal Board and that, as such congestion undoubtedly causes hardship, an inquiry should be made to ascertain the cause, and necessary steps taken to provide relief; further, that consideration be given to the reorganization and direction of the Official Soldier Adviser system with a view to more efficient service.

TUBERCULOUS VETERANS

16. That the opinion of specialists appointed in a manner to be prescribed, be accepted for pension purposes, with respect to service relationship of tuberculosis and other diseases of insidious onset and slow progression.

17. That provision be made for an allowance for certain classes of tuberculous pensioners, who are householders, to enable them to provide suitable housing accommodation.

18. That nursing care, or an allowance in lieu thereof, shall be provided for pensioners, not in hospital, when the necessity is shown.

DEPARTMENTAL REGULATIONS

19. Reimbursement of medical expenses and payment of compensation, incurred in connection with pensionable condition prior to admission of entitlement.

20. That reasonable allowances and expenses be paid in all cases of members of the Forces attending Boards.

RETURNED SOLDIERS' INSURANCE

21. That the time limit governing applications be extended.

22. That provision be made for issuing conditional policies with adequate safeguards to those ineligible under existing legislation.

23. That the general terms and conditions governing policies under The Returned Soldiers' Insurance Act be further considered.

IMPERIALS

24. That pre-war residents of Canada who served with the Imperial Forces be given the same consideration under the Pension Act as a member of the Canadian Forces in all cases where greater benefit will result.

MILITIA PENSION ACT

25. That in the case of an officer or man who served in the Permanent Force and in the C.E.F., pension shall be adjusted on a basis of combined service.

26. That British Reservists, recalled for war service from the Permanent Force of Canada for service with the Imperial Forces, be allowed that period of service towards Canadian service pension.

GENERAL

27. The problem of the permanently unemployable or prematurely aged man, non-pensionable.

NOTE.—The indulgence of the Committee will be sought in respect to such supplementary recommendations as may be found necessary.

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Canadian Pension and Returned Soldiers
Problems, Special Order 1930
(SESSION 1930)

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5—THURSDAY, APRIL 3rd, 1930

EVIDENCE:—Major John S. Roper, of Halifax; Captain P. C. Gilman, of Ottawa; Mr. Richard Hale, of London, Representatives of the Canadian Legion; Dr. Kee, Chief Medical Adviser, Board of Pension Commissioners of Canada.

APPENDIX No. 4:—Memorandum addressed to The Honourable J. H. King, Minister of Pensions and National Health Re Recommendations of the Canadian Legion and Comments thereon by Commissioners McQuay and Ellis.

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1930

MINUTES OF PROCEEDINGS

COMMITTEE ROOM 368,

THURSDAY, April 3, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems, met at 11 o'clock, a.m., the Chairman Mr. Power, presiding.

Members present: Messrs. Adshead, Black (Yukon), Fiset (Sir Eugene), Gershaw, Hepburn, Ilsley, McGibbon, McIntosh, MacLaren, McPherson, McLean (Melfort) Manion, Power, Ross (Kingston City), Sanderson, Speakman, and Thorson—17.

Honourable Senators present: Messrs. Belcourt Béland, Buchanan, Graham, Gillis, Hatfield, Lewis, MacArthur, White (Pembroke), and other honourable senators.

The Hon. J. H. King, Minister, was also present.

In attendance: Officers of the Dominion Executive Council of the Canadian Legion, B.E.S.L., representatives of Provincial Commands of the Canadian Legion, Chairman Col. Thompson, Commissioner Ellis, and Chief Medical Adviser, Dr. Kee of the Pensions Board of Canada, Chairman Col. Belton and Secretary, Col. Topp, of the Federal Appeal Board, and many others.

Copies of a memorandum, addressed to the Honourable J. H. King, Minister of Pensions and National Health, and containing the recommendations of the Canadian Legion following its convention in Regina, together with comments thereto relating, of Commissioners McQuay and Ellis, were distributed by order of the Chairman to the members of the Committee. *See Appendix No. 4 herein.*

The Chairman informed the Committee of a meeting held by the sub-Committee on Procedure and Agenda, this morning, at which was considered the application of Mr. Roger Berry, of Victoria, B.C., desiring to be heard before the Committee regarding a grievance. In the course of the consideration given to said application, the Dominion President of the Legion informed the Committee that this case had been taken up by the Service Bureau. After further consideration, it was agreed that the sub-Committee on Communications and Resolutions composed of Mr. Ilsley, Mr. Adshead and Mr. McGibbon would examine further into this case with the assistance of Mr. Barrow, Adjustment Officer of the Legion, and report thereon.

The Chairman pointed out the necessity of printing additional copies of the proceedings and evidence.

Mr. Manion moved, Mr. Hepburn seconding,—That one thousand (1,000) additional copies be printed and that authority therefor be obtained. Motion carried.

Five communications and resolutions were received by the Chairman and referred to the sub-Committee for consideration and report, as follows:—

(1) Resolution from the Municipal Council of the Corporation of the City of Galt, March 17, 1930, supporting the amendments to the Pension Act as submitted by the Dominion Executive of the Canadian Legion *re* present conditions and wants of veterans and their dependents.

(2) Canadian Workers Federation of Returned Soldiers and Sailors, of Montreal, March 21st, supporting the suggestion of obtaining counsel to assist the Committee, etc.

(3) Calgary Branch of the Canadian Legion, March 25th, addressed to the Prime Minister, *re* the difficulties which exist with regard to the examination and findings of the Federal Appeal Board.

(4) Mrs. Herbert S. White, Kingsmill, Ontario, March 27th, that pension allowance be given to veterans at the age of sixty-five and not at seventy.

(5) P. Batchelor, Vancouver, B.C., March 21st, that the pension scale should be raised.

The Committee proceeded to consider the decisions of the Canadian Legion in respect to the Memorandum on Pension legislation which the Chairman submitted on Tuesday, 1st of April.

Colonel Laflèche informed the Committee that the various associations associated with the Legion had come to unanimous decisions, and that same would be expressed by Major Roper, if permitted.

Major John S. Roper was called. See Minutes of Evidence.

The Committee then proceeded to consider proposed amendments to Section 24 of the Pension Act in respect to pension for tuberculous and other chronic diseases.

Captain C. P. Gilman and Mr. Richard Hale were called.

In the course of the evidence given by Captain Gilman and Mr. Hale, the Chief Medical Adviser, Dr. Kee, was asked as to the practice followed by the Board in this respect.

The Committee then adjourned until Friday, April 4th, at 11 o'clock a.m.

MINUTES OF EVIDENCE

COMMITTEE ROOM 368,

HOUSE OF COMMONS,

THURSDAY, April 3, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock, a.m., the Chairman, Mr. C. G. Power, presiding.

The CHAIRMAN: I have here a memorandum addressed to the Hon. Dr. King, Minister of Pensions and National Health, from the Board of Pension Commissioners, signed by the secretary. Copies of this memorandum have been distributed to every member of the committee, and I would suggest that this be printed as an appendix to the proceedings.

I also have a letter from Mr. D. B. Plunkett, member for Victoria, addressed to myself as Chairman of the Committee, reading as follows:—

May I ask permission to have Mr. Roger Berry, a returned veteran from Victoria, B.C., appear before your committee and state his complaints. Mr. Berry feels that he has a grievance, and I ask that the opportunity should be given him to state his case, which may be informative and of value to the committee.

Mr. Berry has come a great distance from Victoria, B.C., the extreme west of Canada, and I hope the special committee will consider favourably his application for a statement of his present condition as it affects and is relative to soldiers' pensions.

As you know, a sub-committee of this committee has been formed for the purpose of dealing with procedure and agenda. We held a meeting this morning. The sub-committee is composed of Messrs. McPherson, Speakman, Black (Yukon) and myself, and after giving the best consideration we could to it, we came to the conclusion that it would be impossible to hear any special case. We all of us have requests from hundreds of sources, from persons who wish to be heard here. The sub-committee considered that our function is to prepare recommendations for amendments to the Pension Act. We are not in any sense an appeal court. It would be more or less of a cruel farce for us to listen to representations on individual cases, and allow the persons who came before us to hope that we could, in any way, improve their condition, because we cannot. We have absolutely no power or authority to give a decision on cases of this kind. It has been suggested by members of the sub-committee that Mr. Berry get in touch with Mr. Barrow of the Service Bureau, or some member representing one or other of the associated soldier bodies, and if his case is one which shows that the act requires amending in any special section then they might put it before us. Otherwise, it is considered that Mr. Berry should not be heard.

This is respectfully submitted from the sub-committee, and we are willing to hear any discussion from the committee on the matter.

Mr. ADSHEAD: Mr. Berry will have the privilege of going before the Canadian Legion and stating his case to them.

The CHAIRMAN: We hope so.

Mr. ADSHEAD: He stated to me that the reasons for his being turned down were political.

Colonel LAFLECHE: Mr. Chairman, the Canadian Legion has nothing to do with politics. We cannot handle that case.

Mr. Ross (*Kingston*): We cannot knock a returned man around like this. I am willing to sit here all summer, if necessary. I do not think it is necessary to throw out the suggestion that it is political, even if the man mentioned it. The men are criticizing the procedure, that is, that they cannot be seen or heard. This man has come a long distance, and if he could be seen by some person, either from the Canadian Legion or some of the associated soldier bodies, I think it would be well.

The CHAIRMAN: I do not think the Canadian Legion Service Bureau refuses to take cognizance of this case.

Mr. Ross (*Kingston*): I do not like a jest about it.

Colonel LAFLECHE: It is not a jest, sir. We are not in politics.

Mr. Ross (*Kingston*): He has either a disability or he has not.

Colonel LAFLECHE: As a matter of fact, this case has been taken up by the Service Bureau, and I understand it is well under way now.

Mr. Ross (*Kingston*): That is a different answer.

Mr. ADSHEAD: Mr. Berry suggested to me that the reason for his being refused was because the political end of it was on his file. If that is the case, the Canadian Legion ought to take care of it, because they say they are not in politics.

The CHAIRMAN: The suggestion is made that he see the Service Bureau, and if they think his case is one which could be covered by legislation then it could be presented to us.

Mr. Ross (*Kingston*): If they say they now have it under consideration I am satisfied. That is a different matter.

The CHAIRMAN: I do not like to refuse the man a hearing here, but if we hear one it creates a precedent, and our usefulness as far as legislation is concerned ceases.

Mr. MACLAREN: Shall we hear later of this case in any form? Here is a man who has come a very long distance. It is an exceptional condition altogether, Mr. Chairman.

Mr. MCLEAN (*Melfort*): Did he come down specially to meet this Committee?

The CHAIRMAN: I understand so.

Mr. MCPHERSON: We have already suggested that the Canadian Legion, or Mr. Barrow, look into this case, and I think that they will do it for us. I might say, as one of the sub-committee, that I received a letter about two weeks ago from an old friend of mine in British Columbia, saying that he was coming down to appear before this Committee, and wanted me to arrange that he should be paid after he got here, but he did not want me to say that he was coming, or even give his name, and I wrote and told him that this Committee, as far as I knew, would not hear him if he came down. This is just another sample of what we would be up against if we once opened the door. I think Mr. Barrow, or the Canadian Legion, will give this case every consideration, and if there is anything we can do, in the way of legislation, it is our duty to do it.

Mr. Ross (*Kingston*): Is there a member of this Committee who would be a sub-Committee, as it were, to see this case?

The CHAIRMAN: There is a sub-Committee appointed for the purpose of going through the correspondence, in order to ascertain if there is anything con-

tained in it which might profitably be placed before us. There is a large number of letters from soldier bodies and from soldiers suggesting special amendments, and these are all handed over to the sub-committee, or will be. Have they been handed over yet, Mr. Cloutier?

The CLERK: I have them all classified, and I handed a memorandum to each member of the sub-committee on Tuesday.

The CHAIRMAN: The sub-committee is Mr. Adshead, Mr. Ilsley and Dr. McGibbon. These members of the Committee could be formed into a sub-committee to see Mr. Berry and report to us if there is anything in his case that could be covered by an amendment to the act.

Mr. MACLAREN: Could this man not prepare a written statement and supply the Committee with it? I do not think that we should simply take that position. I think we might very well go a little further.

The CHAIRMAN: It is in the hands of the Committee.

Mr. ROSS (*Kingston City*): I agree that it is going to clog the Committee up, if we are to take up and hear these men. I am not inclined to send away people who come here; but I think any special case I would refer to the Chairman and ask him to write.

The CHAIRMAN: Mr. Ilsley and Mr. Adshead are here, and also Mr. McGibbon, and they could make arrangements to see this man after the sittings of the Committee, and if it is something which they think could be covered, they could so report.

Mr. ILSLEY: I would agree.

The CHAIRMAN: Will you get into touch with Mr. Berry?

There is another matter. I have heard complaints that we have not as yet had a sufficient number of copies of the evidence and proceedings printed. That complaint came and I went to Mr. Beauchesne and obtained authority for 1,800, was it?

The CLERK: We are now printing 1,500 copies in English, 900 for the Legion and 600 for the members, and 300 in French.

Hon. Mr. MANION: May I ask if the Legion is sending a copy to every branch in Canada?

Col. LAFLECHE: Yes sir. We are sending one to each branch of the Legion, and also on the list we placed the officers of the other associations. I did not have the list of their branches, but I think a copy of it should be mailed to them for their purposes.

The CHAIRMAN: Have you a sufficient number of copies in stock of the back numbers?

The CLERK: We have a sufficient number of copies in English, but we have not yet all the copies in French.

Hon. Mr. MANION: Have the back numbers been distributed to all the members of the House?

The CLERK: Yes, all of them. That is up to Mr. Davidson's office, and they are supposed to have one copy placed in each member's box.

The CHAIRMAN: With 600 copies remaining available after the Legion has been served, that only leaves less than two copies per member, because they are distributed here in the Committee and are laid around; so that the number is perhaps not enough.

The CLERK: I get 50 copies from the Distribution Office every time they come in, and I have a mailing list; certain members of the Committee have asked me to mail copies to certain addresses, and I do that.

The CHAIRMAN: I hate having to go to the House every time we have to turn around. I do not see why we should have to go to the House for this. If I get authority to the Speaker and tell him we want a thousand more, I will do that.

Hon. Mr. MANION: There should be enough copies so that each member may get five or six copies if he wants them.

Mr. HEPBURN: I agree, and would second that.

The CHAIRMAN: It is moved by Dr. Manion, seconded by Mr. Hepburn that we obtain authority to print a thousand additional copies.

Motion agreed to.

The CHAIRMAN: Colonel LaFleche, are the Legion and the other associated bodies prepared to give evidence this morning on the memorandum submitted?

Colonel LAFLECHE: We are. I may say, Mr. Chairman, that when you asked us last Tuesday to be prepared this morning to speak on the proposals in the memorandum concerning machinery and reorganization which you read to your Committee, we wired the heads of all the associations associated with the Legion in this legislative program, and they were here yesterday afternoon. When in conference, we came to unanimous decisions. I would ask, however, permission to have Major Roper to say exactly what the consensus of opinion was.

Major J. S. ROPER called.

The WITNESS: Mr. Chairman and members of the Committee: at the meeting called yesterday afternoon, the consensus of opinion, the unanimous opinion with regard to No. 1 was that we agree to it in principle; that is, that the Board of Pension Commissioners as at present constituted should continue to exercise its functions and jurisdiction; and it was the feeling of the assembled veterans there that if there was anything needed to impliment the Board of Pension Commissioners in the consideration of the cases brought before it, it should be done.

With regard to No. 2, The Federal Appeal Board, as such, to be abolished, it was felt by the veterans that, although the Federal Appeal Boards had done good work, they were so circumscribed by the legislation, we agreed to that.

With regard to No. 3, it was agreed that the Soldiers' Advisors system be discontinued, but that a system of Soldiers' Counsel, which I will outline later, should be adopted.

With regard to the creation of a new Court to be called the Pensions Court, they agreed to that in principle, with the feeling that this Court should be constituted properly and that the proper kind of men should be appointed, that great care should be given to the appointments, and that the success or failure of the whole system would depend on the kind of men who were appointed to that Court, especially to the man who was appointed the principal Judge.

Then they agreed that, instead of subsidizing the Canadian Legion by grants or permitting each soldier to choose his own counsel,—if you will look at No. 8,—to be paid by the Government, that a system of Soldiers' Counsel should be adopted throughout the length and breadth of Canada, those counsel to be appointed by the Chief Justice of the court, and to be under his discipline, and the duties of the soldiers' counsel to be laid down by him.

Hon. Mr. MANION: The Chief Justice of which court.

The WITNESS: Of the Pension Court.

By the Chairman:

Q. The man whom I called the Principal Judge?—A. Yes, the Principal Judge, I think he is called.

No. 5, territorial divisions. That is a matter of detail in regard to who is to hear and give decisions on all grounds of assessment; and they agreed on that.

With regard to No. 7, the jurisdiction of the court, that was agreed to; and as to the next, Evidence that was agreed to.

By Mr. Gershaw:

Q. Just to refer to No. 8 again, please, would there be one counsel at each sittings of the court, that is one man to speak, or would there be one counsel chosen by the Legion?—A. The idea, I think, was my own, and it was that a soldiers' counsel should be chosen for each territory according to the needs. For instance, there would be one in Nova Scotia appointed by the principal justice, and there should be three in Ontario, and so on; and that if the court met in Halifax the soldiers' counsel would be in Halifax; or if it met in Sydney, he would be in Sydney and so on.

By Mr. McGibbon:

Q. What is your objection to allowing the soldier to chose his own counsel?—A. It was felt that the present system had not come up to what we expected. Under the present system the soldier chooses his own counsel.

Q. I was referring to the individual soldier.—A. Oh, the individual soldier to choose his own lawyer? It was felt that the lawyer, for the amount he could get from the Crown, could not properly prepare the case and it would be merely a perfunctory performance. I am speaking as a lawyer now, and I am not running down my own profession.

Q. Do you not think that the individual soldier would feel that his case would receive much more satisfactory and sympathetic treatment if it was presented by a lawyer who was working for him? I think there are lots of lawyers who would do it well.—A. Yes, but it was felt there—and that was at a meeting of all the representatives of the veterans—that if we had a properly qualified full-time man he would be a better man for the soldiers.

By Hon. Mr. Manion:

Q. Supposing he were a Toronto man, how would he deal with a case in Fort William, for instance?—A. He would have to be provided by the government with facilities to go and prepare the case.

Q. He would be a pretty busy man?—A. He would be a busy man.

By Mr. Ross (Kingston):

Q. Is not this organization satisfactory, which you have already?—A. No, a lot of them, I understand, are part-time men at what I call inadequate salaries and with inadequate staff. There is the difference in the appointment. These men would be full-time men, and a new broom sweeps clean.

By the Chairman:

Q. And there is this difference too, that under the direction of the soldiers the new man would be provided by the Judge of the court and not by the government.—A. Yes, and disciplined by the court. Of course this is a matter of detail which would have to be worked out. If the principal judge would con-

sider during the hearing that the case was not properly conducted, he would have the right to reprimand that man or ask that he be removed. That is a matter of detail. Our soldiers' advisors to-day, as I am instructed, are their own bosses and can perform in any way they see fit.

By Mr. Thorson:

Q. What is the objection to-day to the present soldiers' advisors?—A. That the cases are not properly prepared.

Q. What reason is advanced for that, lack of staff or lack of equipment?—A. I can only speak for the province from which I come. I would say that it was first of all an appointment which should never have been made; secondly, lack of staff; and thirdly, lack of equipment; and then he has his office on Camp Hill and therefore the soldiers think he is an officer of the department.

Q. Could that not be remedied?

By Mr. McGibbon:

Q. Would you not have a similar objection in the proposed scheme? The soldiers would then have an official to prepare the case, who might be, as Dr. Manion suggests, perhaps a thousand miles away. I do not think it would be workable at all.

By Mr. Ilsley:

Q. So far as I can see, there is only one difference between the soldiers' counsel and the soldiers' advisor, that while the soldiers' advisor would be appointed by the government, the soldiers' counsel would be appointed by the Principal judge. To whom would he be responsible—to the Principal judge?—A. That is the proposal.

By Mr. Ross (Kingston):

Q. The present soldiers' advisor is not chosen by the government?—A. On the recommendation of the soldiers.

Q. So that your proposal here looks very much like what you have already?—A. Only you will have a full-time man, and he is appointed by the court and is an officer of the court.

By Mr. Hepburn:

Q. The soldiers' advisor to-day is in reality appointed by the soldier bodies, is that not so?

By Mr. Thorson:

Q. In a place like Winnipeg he is a full-time man, is he not?—A. He is not, down our way.

By Mr. Sanderson:

Q. Your criticism of the soldiers' advisor pertains more to your own province and is rather local, or would you go so far as to say that in your opinion it applies to all the provinces?—A. No, it seems to be the opinion of the representatives of the veterans' bodies that the soldiers' advisors generally have not been satisfactory.

Q. That has not been so in my own locality and where I have seen some of them at work.—A. There are some exceptions, but the opinions expressed yesterday seemed to be that the soldiers' advisors generally are not satisfactory, and that a good deal of the dissatisfaction comes from improper preparation and presentation of the cases, and that there are not enough of them.

Mr. MCGIBBON: That is, that they are not successful.

Mr. ROSS (*Kingston*): However, that is the opinion.

The CHAIRMAN: And the Committee thoroughly understands what is proposed by the Legion.

By Mr. Thorson:

Q. Was there any suggestion made that the present system might be recast and brought to a greater degree of efficiency than at present?—A. That is the suggestion that has been made, that the appointment should be made by the principal judge, thinking that the soldier would get a more efficient man.

Q. What suggestions were made with regard to staff and the like?—A. That the man so appointed would have a proper office, free from any government office, and that he should have stenographic service. To-day in the provinces, I understand, he only gets an allowance, and it is not enough. I am not a soldiers' advisor and do not know what the difficulties are. In order that a man can be successful, as a counsel, he must have a decent office and must have stenographic service in the preparation of his cases.

By the Chairman:

Q. Then what is the next one?—A. Another thing about this soldiers' advisor is that I think it was felt there that if every soldier was allowed to pick his own lawyer and have him paid by the government it would cost a lot more than this system which we are proposing; because there is no doubt about it that the average soldiers' advisor, a man who is trained in pension law, is a much better man to argue a soldier's case on pensions than would be the average lawyer.

Mr. SANDERSON: I do not think it is good policy to bring in the expense.

The WITNESS: I am only doing that to show you that we do take into account the cost.

With regard to Sittings, we agree to that.

With regard to No. 8, I have explained that to the best of my ability. With regard to the last part of No. 8, "the Board of Pension Commissioners may retain in each locality for the purpose of presenting its views before the court, temporary legal assistance," that was agreed to with the proviso that the Board of Pension Commissioners might appear at any of these cases either in person or by counsel. If they wanted to come there themselves, they should be allowed to do so.

No. 9, Assessors, was agreed to.

By Mr. Thorson:

Q. Will you elaborate a little more with regard to the discussion of No. 9? —A. No. 9 reads as follows:

The Court may at its discretion associate with itself medical consultants whose opinions shall have the same weight and authority as that of Assessors in Maritime Courts.

It was felt that the Pension Court as it sat should have the opportunity of calling in medical advisors, if they saw fit, and that in cases like T.B. or special cases of that kind they should be allowed to call in experts to advise them; that it would be their duty to do that.

Q. That is what I wanted to get at, whether it should be their duty to call in medical consultants in certain types of cases, or whether they were merely authorized to do that. Are they authorized now to do this?—A. Yes. It was the consensus of opinion that it should be the duty of the court to call in men of that calibre.

The CHAIRMAN: We would be very glad if any of the Hon. Senators here would at any time ask questions.

By Senator Beland:

Q. Would you say it was the duty, in every case, of the judge to call in medical advice?—A. Only in cases of disease where it should be required. It was the consensus of opinion of the soldiers' committee that it should be so in every case, such as T.B. or cases of that sort.

Q. What other cases? That is very vague. If you leave it to the judge to use his own judgment as to whether he will require medical advice or not, that is very clear; but if you say in the statute that the judge shall call medical advice in every case, that is altogether different.—A. Well, that was the consensus of opinion of the committee, that it should be the duty of the judge to call in medical advice in such cases.

By Mr. McGibbon:

Q. If he felt it necessary?—A. No, I repeat that it was the consensus of opinion of the Committee that it should be the duty of the judge to call in expert medical advice. The reason given was that in connection with T.B., the representatives of the Tuberculosis Association think that such diseases could be understood only by an experienced medical man.

By Mr. McPherson:

Q. Would you not think that a court established in such a case, if the judge is not a medical man, would require such advice?—A. I would think so.

By the Chairman:

Q. There are many cases where medicine does not come in at all?—A. It was the opinion that it was the duty of the judge, where a medical point was up, to call in a medical consultant. If it was not a medical point, of course the judge would not do so. If it was an issue in the case, it should be the duty of the judge to call in a medical man.

Q. I think that is a qualification.

By Mr. Thorson:

Q. If it is an issue in the case it should be their duty to call in a consultant?—A. We understood yesterday that we were deciding only upon the principles of the bill, and that the detail would be arranged by a committee or by the Minister of Justice, or somebody else. We had only three hours on it, and they were three strenuous hours.

With regard to No. 10, Weight of Evidence, we agreed as to that.

By Mr. Adshead:

Q. Now, as to No. 10, if there is reasonable doubt, why should it not be the duty of the court to award pension? It says, "may," even if he has a reasonable doubt. The language is: "Instructions shall be laid down in the legislation that the Court may, in cases where no conclusive evidence as to the attributability to war service can be produced, after a consideration of all the circumstances of the case, and medical opinion, give due weight to any reasonable inferences which can be drawn from such circumstances and if convinced that a reasonable doubt exists in favour of the applicant, award pension." That is, if a reasonable doubt exists, they may. If a reasonable doubt exists, it would be the duty of the court to award pension.—A. If it was a proper court, this would give them some room as to what their decision should be.

By Sir Eugene Fiset:

Q. That is the same point as to the court of appeal?

Mr. THORSON: That comes back to the first recommendation of the soldiers, which we have not yet definitely settled upon.

By Hon. Mr. Manion:

Q. Is it not true, Major Roper, that the word "may" is always used where "shall" is understood?—A. Yes.

Q. You might explain that to the Committee.—A. May I say again, that it was felt, in the Committee, that the success or failure of this scheme would depend upon the class of men who would be appointed to the court; and I think if you do appoint a proper class of men to this court, the kind of men that we have in mind, you need not worry very much about your legislation as to whether it is "may" or "shall," that they would give the soldier a square deal.

By an Hon. Member:

Q. Would you mind telling us the kind of men you have in mind?—A. We have no person in mind, but we would accept the Chairman, if you want to appoint him.

The CHAIRMAN: With respect to No. 10, this is a matter which will inevitably have to be threshed out by the lawyers who draft it. It was only proposed that this principle, in so far as it could be adopted, would be incorporated in the suggestion. I have no doubt that almost every legal man in the House, who is to a slight extent interested in this matter, will have an argument pro or con as to the words "may" or "shall." I would suggest that if the underlying principle is accepted, we leave this to the draftsman of the Act, if it ever comes to that.

The WITNESS: That is satisfactory.

By Mr. Sanderson:

Q. But if you ever clear up the grammatical relationship between those two words, you will do well.—A. Yes. With regard to section No. 11, we agree to the principle in that. There was another suggestion made, that instead of appointing a separate appeal court, the pension court might be used as a supreme court en banc, and that those who had not sat on the trial of the case might sit on appeal in it. That is the same system that we have down in Nova Scotia.

By Mr. Ross (Kingston):

Q. Shorten it up.—A. Yes. If you want to give us that appeal court, we are quite willing to take it, but we suggest that the other might do just as well.

The CHAIRMAN: That system exists in some of the provinces. It has been abandoned in Quebec, now.

By Mr. McLean (Melfort):

Q. Would you think that such a court would overtake the work?—A. They would not do the work as quickly. The size of the court would have to depend upon the number of cases. We agree to the suggestion in principle; but if we have to take the other, we are willing to take it.

With regard to Sittings, we agree on it.

With regard to the Duties of the Principal Judge, we agree, with the addition that he should have supervision over the soldiers' advisers of his court, and over all officers of his court.

By Mr. McPherson:

Q. This is a detail, but yet covers a big principle. I take it that if this goes through there will be appeals from the Pensions Board on all subjects, which

would include degree of pensions to be paid. Those, I expect, would run into the thousands of cases of appeals from the Board of Pension Commissioners to the new court on pensions.—A. It is not an appeal, but it is under this a hearing de novo of anything that has been refused by the Pensions Board.

Q. There will be literally thousands of appeals from time to time on assessment. Do you think it possible to bring those to the court of appeal?—A. The appeal court would have just about the same jurisdiction as the Federal Appeal Board has to-day.

Q. That is, they would be restricted to nothing but assessments?—A. Well, that is what it is to-day. As I understand it, the Legion has an amendment with regard to the Federal Appeal Board, that they be allowed to appeal on assessment.

Q. Yes, from the Board of Pension Commissioners to the district court? —A. I am not prepared to give an answer on that.

Q. But would you consider that, because it will come up in the drafting of the act, and it will mean an enormous amount of work?

By Mr. Thorson:

Q. I do not altogether regard this as setting up two appeal courts, do you? —A. No.

Q. I regard this pensions court as being the court of first instance, in reality, and that, in substance, what this machinery amounts to, or what it ought to amount to, is this, that where cases are clear they can be dealt with, perhaps, by the present machinery, but where cases are not clear it is not a question of the case being turned down first and then submitted by way of Appeal to this pensions court; it is by way of reference to the court, so that the man does not start off with the prejudice of a decision against him.—A. As I understand it to-day, with the average man who is turned down by the Board of Pension Commissioners, he says that is the only hearing he gets. Now he has the opportunity of going to another court other than the Board of Pension Commissioners, and having a rehearing. That is the way I see it, and they have the same powers and the same jurisdiction as the Board of Pension Commissioners has.

Q. I do not regard it altogether as a rehearing. It is the first hearing. There are many cases where no personal hearing is required when he gets his pension. It is only in the case where pension is not awarded, that provision is made for the personal hearing.—A. He has a hearing other than before the Board of Pension Commissioners. That is all I have to say, sir.

The CHAIRMAN: Colonel LaFleche has a suggestion to make.

Colonel LAFLECHE: Mr. Chairman, if you will remember, on Tuesday we mentioned sub-committees, and we are prepared to offer to your committee to-day the names of certain gentlemen who will act on behalf of the returned soldiers to meet a sub-committee of your committee, if you so desire. I am ready to name them now, Mr. Chairman.

The CHAIRMAN: Had we not better wait until this committee decides definitely as to that. We will consider it ourselves in committee, as to whether or not we will take up Colonel LaFleche's suggestion. It may be that we will drop it next Tuesday, or the major portion of it.

Mr. THORSON: There is no objection to Colonel LaFleche naming his committee.

Colonel LAFLECHE: Some of these gentlemen come from far away, and we had hoped that they might be able to get to work immediately. Of course, that is entirely in your hands.

Mr. McGIBBON: What is the purpose of this committee?

Colonel LAFLECHE: To discuss details. We have not attempted this morning to go into the details of the several points or clauses of the proposition, but we would like very much to lay before you our views.

Mr. THORSON: Whatever report this sub-committee brought in would have to come before this committee for discussion and approval.

Hon. Mr. MANION: We made a motion, I think, that the Legion had a right to have counsel. This is in accordance with that.

Colonel LAFLECHE: Very much the same principle, sir.

Mr. ADSHEAD: Those gentlemen would not have voting power.

Colonel LAFLECHE: It is merely, Mr. Chairman, to lay before you the details of our views. It is rather a lengthy matter, and we feel that we do not want to waste the time of the committee. May I name the gentlemen?

The CHAIRMAN: Yes.

Colonel LAFLECHE: I will name them, subject to change, because it may be necessary for one or other of them to leave the city, in which event I would like to put in a substitute. General Ross of Yorkton, Sask., Captain Wilkinson of Winnipeg, and Mr. Myers of Toronto, and, if I may add my own name—

Hon. Mr. MANION: What about your counsel?

Colonel LAFLECHE: And Mr. Eli Spencer as counsel. He will assist the sub-committee I mentioned. I will put forward his name as a member of that sub-committee, five in all.

Hon. Mr. MANION: I misunderstood Colonel LaFleche. I understood he was naming counsel. I remember at the first meeting, I made the motion, I think, that they had the right to name legal counsel to act with our committee. I understand now he is naming a whole sub-committee to act with a sub-committee of this committee here.

Colonel LAFLECHE: I was just following out my understanding of what transpired here two days ago. After all, it is desirable, in my opinion, to have all the associations represented as well as can be.

Hon. Mr. MANION: I am not objecting, only it is not exactly what I thought you were going to do.

Colonel LAFLECHE: The legal counsel, of course, is always on the job.

Hon. Mr. MANION: Who is the legal counsel?

Colonel LAFLECHE: Mr. Eli Spencer of Morden, Manitoba.

Mr. McGIBBON: We are taking authority on ourselves to do something which we are not authorized to do, if we sanction the appointment of this sub-committee.

Mr. ADSHEAD: They are really in the capacity of witnesses.

The CHAIRMAN: General Ross has a suggestion that we adjourn this discussion until Tuesday until we see what this committee is going to do. We may throw the whole thing into the wastepaper basket, and there is no great necessity for discussing something that may or may not occur.

Mr. SPEAKMAN: The appointing of a sub-committee is premature, until we decide those things among ourselves.

The CHAIRMAN: Is there anything further, Colonel LaFleche?

Colonel LAFLECHE: We would like to proceed with the presentation of our program, if we may.

The CHAIRMAN: I have taken up, in an informal way, with the members of the sub-committee on proceedings and agenda, what we should carry on with now. We have the remainder of to-day, to-morrow, Tuesday, and probably Wednesday and Thursday of next week. The proposals of the Legion are proposals which may or may not be useful. If anything like this new court is established it may be that the Legion will not consider it necessary to press some of their proposals which deal only with interpretations of the act.

I had some idea—and it seems to be agreeable to the members of the sub-committee—that we might proceed with the veterans' allowance bill to-day, to-morrow, and Wednesday and Thursday, so that we could adjourn for the recess with something in the way of specific legislation if we can possibly get it out of the committee, or that the matter shall at least be discussed to some extent before we adjourn for the Easter recess. Is that agreeable to the committee? Personally I do not think there will be very much discussion. There are three or four points on which there will probably be rather acrimonious discussion, but the remainder of the bill, as I understand it, will go through very easily, and I think perhaps the committee could put the principal provisions in it along with the officers of the department who drafted the bill.

Mr. Ross (*Kingston*): I do not want to block things, Mr. Chairman, but that is not my idea at all. If the sub-committee would say here to-day, We want to discuss such and such a thing to-morrow, then we could come prepared.

The CHAIRMAN: I quite understand that.

Mr. Ross (*Kingston*): The same as we do in the House.

The CHAIRMAN: The only point in that, General Ross, is, that I personally was under the impression that we would take the balance of this morning to discuss this matter, and it was only this morning that I received an intimation that the Legion did not wish to discuss it at great length, and my thought was that we could go into the veterans allowance bill in a casual way to see just what it is about. We would be that much further advanced.

Mr. THORSON: Suppose we put that on the agenda for to-morrow, and devote the rest of to-day to suggestions of the Legion?

The CHAIRMAN: That is quite satisfactory to me. The veterans allowance bill, then will be taken up to-morrow. It is understood—and I think it is agreeable to the committee—that we are not to take any divisions in matters of principle in this committee without giving due warning to all the members of it. I say that because the veterans allowance bill is likely to be contentious, and there may be some division. I think if I give an undertaking that before we come to an important division on a matter of principle advice will be given to all parties concerned so that they may come here, that that will be quite satisfactory.

Mr. THORSON: I think that that is fair.

The CHAIRMAN: I mean we do not want to be obliged in this committee to be worrying about snap divisions and votes, and that kind of thing. I say that now because we are coming to a matter which may be contentious, and I should like it to be well understood that before we come to any decision we will give at least a day's notice to all parties so that they will come prepared.

Mr. Ross (*Kingston*): Will there be further consideration of the subjects of land settlement and insurance?

The CHAIRMAN: Those two questions will take up a considerable portion of our time, particularly land settlement, from the advance information I have been able to get—insurance probably not so long.

Mr. Ross (*Kingston*): But they will be dealt with.

The CHAIRMAN: Yes. It is now proposed that we go ahead with any further suggestions that the Legion may have to make to-day.

Colonel LAFLECHE: Might I ask what you would like to hear to-morrow?

The CHAIRMAN: The veterans' allowance bill.

Colonel LAFLECHE: I would respectfully submit that we would like to be able to present to your committee all our resolutions having to do with the Pension Act before proceeding to bill No. 19. I must say that the proposals, as contained in the memorandum laid on the table the day before yesterday by the chairman, have had an effect upon our proposed program. But in so far as it may be possible, Mr. Chairman, I desire to express the wish that we proceed with the resolutions concerning the Pension Act.

Mr. THORSON: I would move that that request be granted.

Mr. SPEAKMAN: I suppose, Colonel, you had this in mind—something I have had in mind myself—that Bill No. 19 will deal largely with the residue left over after the Pension Act has been redrafted, if it is to be redrafted.

Colonel LAFLECHE: I am expressing a personal opinion and not a representative one. I have not discussed that with the several associations but, to my mind, Bill No. 19 is a separate matter from the Pension Act, and you may say that it deals with the residue, in a way. I would rather put it this way: it is going to deal with a class that is not contemplated by the provisions of the Pension Act, nor by any of our resolutions.

Mr. SPEAKMAN: But in order to know the extent of the class which will be outside of the scope of the Pension Act, it is your opinion that we should deal with the Pension Act in order that we may know who will be left outside?

Colonel LAFLECHE: That is the wish of the several associations.

Mr. THORSON: I think we ought to give effect to those wishes, and I would move accordingly.

Colonel LAFLECHE: Speaking personally again, I would say that we would like to press for completion of the business arising out of the Pension Act before going on to Bill No. 19. To my mind, there is something of extreme value to the returned men in Bill No. 19.

The CHAIRMAN: My thought is that we should have a very full explanation of what this Bill No. 19 means.

Mr. THORSON: We might succeed, Mr. Chairman, in having the major recommendations of the returned soldiers as to pensions and amendments to the Pension Act placed before us in time to have an adequate explanation given to us of Bill No. 19 before Easter.

The CHAIRMAN: Will you proceed, Col. LaFleche? Will this run into to-morrow too.

Col. LAFLECHE: We do not want to take up your time, Mr. Chairman, and we will proceed as rapidly as possible. A great deal, however, depends on cross-examination.

The CHAIRMAN: It is understood then that to-morrow, if there is any time left after we get through with the Legion's proposals on pensions, the officers of the Department of Pensions and Health will be here to give us some idea of the meaning and scope of Bill No. 19. I see Dr. King here. Could you have the officers who prepared this bill in attendance here, in any case, should their services be required.

Hon. Mr. KING (*Kootenay*): I will be glad to do that.

Colonel LAFLECHE: Mr. Chairman, I would now ask that you be good enough to hear Captain Gilman and Mr. Hale, in connection with their resolution having to do particularly with those suffering from chest disability.

Sir EUGENE Fiset: What number will that be on your agenda, Captain Gilman?

Captain GILMAN: Number sixteen, sir.

The CHAIRMAN: Is it covered by the pension board memorandum?

Mr. THORSON: 16, 17 and 18.

The CHAIRMAN: We are now dealing with 16.

CLEMENT P. GILMAN called.

RICHARD HALE called.

The CHAIRMAN: I am informed that when the discussion has been terminated the Legion will prepare for us a full sheaf of their suggestions bound or held together so that we may refer to them properly, but the principal thing is that the witnesses refer to these sections in some order so that it may be comprehensible to those who read the report of the proceedings afterwards. That is the most important thing.

Mr. THORSON: They should all be related to the specific section of the Pension Act that is involved.

The CHAIRMAN: To make it plain, this is a suggestion of the Tuberculous Veterans' section re pension entitlement. Do you know whether any reference has been made to it in the memorandum of the Board of Pension Commissioners, and if so, what page. Dr. Ellis, do you know?

Dr. ELLIS: I do not think so.

The CHAIRMAN: This was not discussed by the Board of Pension Commissioners?

Dr. ELLIS: No.

The CHAIRMAN: You may proceed, Captain Gilman.

Captain GILMAN: Mr. Chairman and gentlemen of the committee, this recommendation 16 refers to section 24, subsection 3 of the Pension Act. The resolution is:

Whereas it is becoming increasingly difficult to establish pension entitlement in respect to tuberculous and other chronic diseases;

And whereas many ex-service men and women are denied pensions and treatment because of their inability to produce the evidence required by law to prove their claims chiefly on account of the lapse of time since their discharge from the service and the removal by death of many of those who could furnish vital evidence;

And whereas there exists in many of these cases a strong probability that their condition is related to their war service based largely on medical opinion.

Be it resolved that the Tuberculosis Veterans' Section of The Canadian Legion of the B.E.S.L. request the following procedure be adopted in reference to pension eligibility:

1. That in all cases where tubercular disease exists in reference to which recognized Sanatorium authorities, having access to all

recorded facts, and after clinical examination and observation, have expressed an opinion that such disease is attributable to, or was incurred, or aggravated during service, it shall be considered that such disease is attributable to, or was incurred, or aggravated during such service.

2. That in any case where no such opinion has heretofore been expressed, there shall be reference to such sanatorium medical authorities, or to such other chest specialist as may be agreed upon between the applicant and the Department or Board of Pension Commissioners for the purpose of the preceding paragraph.

We also recommend that a procedure corresponding to the above be adopted in diseases recognized by medical authorities as being of insidious onset and slow progression.

The whole purpose of this resolution is to provide that the benefit of the doubt shall be conceded to the man. At the parliamentary committee proceedings of 1928, we presented a resolution which was not so definite as the present one, and which was perhaps more far-reaching in its consequences (See page 85 of 1928 parliamentary committee proceedings). We have revised the 1928 resolution, and ask that instead of a *prima facie* presumption being recognized, in all cases of doubt where chest diseases are concerned that in the question of relationship of disease or disability to service the opinion of sanatorium medical authorities or such chest specialists as may be agreed upon by the applicant for pension, as well as the Board of Pension Commissioners, as to service origin, shall be accepted. Our intent is to go further and to suggest that when chest specialists are asked to examine the man and to express their opinion, that their instructions shall definitely be that they concede the benefit of the doubt in the case if there is any possibility of the disability having service connection.

To save time, it might be well to refer you to the proceedings before the last committee (Page 87 of the report), and the remarks of the tuberculosis consultants convened by the government in 1927, which were as follows:—

We understand that cases of real difficulty will arise in which the specialist or sanatorium superintendent is strongly of the opinion that the disease is attributable to service, but in which the decision is against attributability. In some such cases, there may have been a relative absence of continuity of symptoms, even while tuberculosis has steadily advanced.

In the remarks of the Tuberculosis Consultants two points are evidenced:—

First—that there is a difference between the opinions of the tuberculosis specialists and the Board of Pension Commissioners as to service origin or non-service origin of the disability in a number of cases, which is our main point; and

Secondly—that in cases of tuberculosis, there can be progression of disease without accompanying symptoms being present, which would allow same to be diagnosed.

The Tuberculosis Consultants went further in this regard and expressed themselves as follows:—

In such cases there should be a complete reconsideration if it is asked for, and as full a discussion as possible of the basis of the decision between the physician bringing forward the case and the pension board.

Now, we must look at the report of the Royal Commission on Pensions (page 74 of the final report on second part of the investigation) and we find the commission's opinion as follows:—

"Continuity" only means continuous existence of the disease and, if clinical findings and opinions as expressed by experts are to the effect that, from the condition found, the history and other circumstances which are regarded as valuable in diagnosis, the disease now shown existed during service, that should be regarded as showing continuity although interim symptomatic evidence is wanting.

The present procedure, unless there is a medical entry of a disability on service, which can be connected with present disability is, that evidence of appearance of tuberculosis, must be produced, showing that it appeared within one year after discharge, and continuity of symptoms up to the date of application for pension.

As we review the remarks of the Tuberculosis Consultants where they state that there are cases of real difficulty and where there has been relative absence of continuity of symptoms, even while tuberculosis has steadily advanced, we realize how futile it is to try and make arbitrary time limits as to date of appearance of disease in cases of tuberculosis. Yet such is done.

If the Committee will review the cases submitted as evidence before the 1928 parliamentary committee (pp. 88 to 91) they will understand that even with evidence from medical men, and the joint evidence of the whole medical staff of a sanatorium, their opinion was that the man's condition had been progressing for several years prior to his admission to sanatorium (in other words, complying even with regulations) yet pension was denied. That the man was ever pensioned, was the result of unremitting effort on the part of the Legion. This case shows clearly how long a man may be denied pension under present procedure.

The next case cited to the 1928 Special Committee is equally interesting and we would ask your attention to same. In this case, although we furnished the Pensions Board with evidence that the man had been treated for tuberculosis at various intervals from 1918 to 1920, and his discharge from the army was in December, 1918, and continuously until he died, yet pension was denied and was denied for years.

Now, if it is so difficult to obtain a favourable decision as to attributability of disease to service when medical evidence is produced showing treatment from discharge, how much more difficult it must be when such evidence is not obtainable. Let us consider what the man is up against, remembering the foregoing fact, namely, that in tuberculosis there can be progression without accompanying symptoms being present, which would allow same to be diagnosed. If this is true, and we have undeniable evidence that it is, how can evidence of a condition of T.B. being present be produced by man, although sanatorium experts, on thorough study of the case from all angles and the progression of the disease, will give it as their opinion that the evidence displayed is in favour of the man's case. This is the reason why we ask that sanatorium experts' opinion, after study of all the elements of the case, shall be accepted in determining attributability, if the Pensions Board cannot give a favourable decision without reference to experts. We are only asking that cases of doubt, when same is raised by the Canadian Legion, or the man, against an adverse decision, shall be so treated. We have no desire to burden the country with unnecessary expense, but something must be done to remedy the existing situation.

Just at this point, I want to mention a matter which probably has not been given sufficient attention up to the present time. I want to speak as a man who saw years of life in the front line both as a "Tommy" and as an officer. A "Tommy" who did not feel well when out of the line, reported "sick." Perhaps he had a terribly sore throat and temperature. I know that I had on several occasions. We marched off to the dressing station, if we were near one, and the M. O. painted our throats with iodine, and marked our pay

books "Light duty," or "excused duty." Now where are these paybooks? They are all the evidence of sickness we had, but they were taken from us when a new one was issued. They must be somewhere. They may have a very vital bearing in many cases. In case of the lack of a Medical Officer, we painted our own throats with iodine and went on.

In the "line," a man did not report "sick" except as a last extremity, when he had to be evacuated. We painted our own throats with iodine in such a case and carried on. I am speaking as a machine gunner, where we had no medical officer with us in the line.

Again these minor ailments, which may have a large bearing, were never officially reported. The number of men on sick parade was reported daily, I believe, in the Report to Headquarters, on the same form showing Ration Strength, etc., but no further details were mentioned.

Now, speaking as an officer in the service, naturally we had no pay books. All we did if we had a sore throat, or some such trouble, was to go to the M. O. and say, "Doc., for God's sake, paint my throat and give me a number nine, as quick as you can. I am feeling rotten"—that is, if we didn't paint our own throats. No medical report was made and no records were kept. Now, all this will be admitted. If, then, all our records of minor ailments that we had were never reported officially, and what evidence we might have had was taken from us, how could we produce evidence of same? How necessary it is that the ex-soldier should have every benefit of the doubt conceded to him is evidenced because minor disabilities have a great bearing on the question of disease.

At this point, I am going to ask Mr. Hale, the Dominion Adjustment Officer for our section, to carry on and give you some interesting information on this recommendation.

MR. HALE: Mr. Chairman and members of the Committee, it probably would be well before giving evidence to state that my official position is that of Dominion adjustment officer of the Tuberculous Veterans' Section of the Canadian Legion. In the majority of sanatoria throughout Canada there exists a branch of our section of the Legion whose chief function is to protect the interests of and assist as far as possible all ex-service men admitted to these institutions for medical treatment. Our section also has branches in the cities of Montreal, Toronto, Vancouver and Victoria, where similar work is carried on for the tuberculous and chest disabled veterans and their dependents.

Claimants to pension, medical treatment and insurance are assisted by our branches and these claims together with all similar claims referred to the Dominion Service Bureau of the Legion are presented to the Board of Pension Commissioners and other authorities by myself acting in conjunction, of course, with other adjustment officers of the Legion. It has been my privilege to be engaged in this work for the past ten years, therefore, have had a fair amount of experience.

Captain Gilman has given you the recommendation which I may say represents the considered opinion of those we represent.

If you will permit me to state briefly some of the difficulties which confront the ex-service man at present in complying with the requirements of pension procedure to establish his claim to pension for tuberculosis and any such chronic disease, I feel that you will realize the necessity of seriously considering the acceptance of our recommendation.

1. In cases of tuberculosis, definite proof of signs and symptoms of the disease being present within one year after discharge is required, and continuity of same until the time application is made for pension.

2. Men who were accepted for service and who served for an extended period in the war area were naturally of highly resistant types hence though

they may have had tuberculosis at the time of discharge, the primary symptoms and signs were so slight as to be not recognized as such and often were mistaken for something entirely different.

3. In cases of spinal, renal and glandular tuberculosis, there are long periods during which no very noticeable symptoms or signs would be apparent.

4. Many ex-service men did not consult physicians, therefore, until their condition was sufficiently advanced that it interfered seriously with their employment although often treating themselves by use of patent medicines purchased usually at a chain drug store which makes it impossible to prove such purchases.

5. It was the general practice of physicians throughout Canada to treat ex-service men without charge so that in the large majority of cases no records would be made of such treatment.

6. Certificates of such physicians who may have a clear recollection of the man concerned and the treatment given are not considered of much value by the B.P.C. unless corroborated by actual records.

7. Death of important witnesses, particularly those who served with the claimant and physicians who may have treated the man but left no record of same.

8. General lack of definite records in respect to the claimant's employment, most business concerns destroy such records every two or three years.

You will, therefore, readily understand the tremendous difficulty of producing the evidence which the present requirements of the law demand in cases of tuberculosis.

In cases of bronchitis, asthma, chronic pleurisy and other respiratory diseases, it is even more difficult to produce evidence of continuity because these diseases usually took many years to develop to a chronic state, and the acute periodical attacks which the man would suffer would be associated with a cold generally contracted during the winter months, hence until his general physical condition became serious, the man as a rule did not think it necessary to seek medical attention.

Now at this point, may I say that during my long experience in dealing with the Board of Pension Commissioners and their staff, that I have always been courteously received and given every opportunity of advancing the claims which were entrusted to me. I feel that it is only fair that I should say this. I am afraid that I have trespassed a great deal on their valuable time and have been very insistent in requesting consideration particularly in difficult border line cases. They have a tremendous task to perform. Sometimes it seems to me sufficient value is not placed by them on the evidence submitted which is produced with great difficulty and often at a great deal of expense by the claimant, but the B.P.C. explain that by stating that their interpretation of the regulations do not permit them to. There is marked reluctance to accept medical opinion expressed by highly qualified specialists. Many cases could be cited in proof of this statement, but I will just briefly quote one which I will refer to as "A":

1. A enlisted in May, 1917, and was discharged in March, 1919
2. On discharge he was pensioned for D.A.H. which was commuted in 1921.

3. For some years later, A was suffering from Bronchitis and finally applied for pension which after medical examination was denied. Bronchitis was ruled to be post discharge, and the disability from D.A.H. was not considered to have increased beyond the 10 per cent which had been commuted.

4. A was then examined by a highly qualified specialist in chest diseases, who after X-ray and careful examination stated that in his opinion the two conditions were related to each other. This examination was arranged by the Legion.

5. Upon the report of this chest specialist being submitted to the B.P.C., the man's documents were referred to another chest specialist by them, who *without examining* the man, expressed the opinion that the Bronchitis was post discharge, which opinion was accepted by the B.P.C.

6. Later a further examination was arranged by the Legion and one of the highest qualified Heart and Chest Specialists of Canada stated as follows:

The history, physical examination, X-ray and electro-cardiograph. all indicate that this man has a cardiac disability. That he has a chronic chest condition of Bronchitis and Emphysema is also borne out by physical examination and confirmed by X-ray. His present capability in competition in the ordinary labour market is practically nil. The above statements are quite evident. That there is an inter-relationship between the heart condition and the chronic lung condition seems to me just as evident. The progressive nature of this man's Bronchitis would not ordinarily be expected in a man this age unless in association with a damaged Myocardium.

7. When this report was submitted to the B.P.C., they arranged for a Special Board consisting of three Chest Specialists and one Heart Specialist who after a *thorough examination* of the man came to the conclusion that the Bronchitis and Heart conditions were related and the man was then granted pension entitlement in respect to the Bronchitis, while his pension was restored for the heart condition.

I just want to point out in conclusion that this case proves the necessity of these complicated chest disability cases being decided by those best qualified to do so.

Sir EUGENE Fiset: In this case, may I ask if that pension was made retro-active?

Mr. HALE: I am not able to answer that question. It has not been adjusted. This procedure is almost that requested in our recommendation. This is the only case that we have knowledge of where such action has been taken. We ask, however, that one qualified specialist expressing definite opinions as to service relationship of the disease—that such opinion should be accepted.

It is only in cases where the Board of Pension Commissioners do not consider the evidence sufficient to concede pension entitlement, and there exists an element of doubt, that we desire the procedure outlined in our recommendation carried out.

Mr. THORSON: You have been discussing so far only chest complaints, have you not?

Mr. HALE: Yes, particularly so; but we consider that any other chronic disease which the medical profession recognize as such should be included.

Mr. THORSON: I think everything that has been said is quite understandable with regard to a disease such as tuberculosis, but your recommendation goes beyond tuberculosis and deals with other chronic diseases with a slow and insidious onset and progression. Is it possible to classify those diseases and say that certain diseases are diseases of slow and insidious onset and progression, and that other diseases are not? Where would you draw the line, or is it possible to draw the line?

Mr. HALE: I think the College of Physicians and Surgeons would be quite competent to determine what diseases were of insidious onset and slow progression. As a layman, I could not undertake to say that.

Hon. Mr. MANION: That may be, because sometimes other diseases are slow and insidious.

Mr. THORSON: Your suggestion was quite understandable and I am quite kindly disposed toward your suggestions as to tuberculosis; but the serious difficulty that I see is how to draw the line between those cases which are of slow and insidious onset and progression and those which are not. Is it possible to draw that line rigidly, or to draw that line at all?

Mr. HALE: I would say that I know many chronic diseases which could be quoted, in which you would have a similar condition of progression, such for instance, as diabetes.

Mr. ROSS (*Kingston*): Or where you would have a long period with no noticeable symptoms whatever, and therefore you could not produce evidence of the same, that would be a matter which would have to be determined by competent medical authority.

Mr. MCGIBBON: If I remember your suggestion, it is that you would give a pension to all such persons with a *prima facie* case.

Mr. ROSS (*Kingston*): No, I think it would mean that that would include insanity, arterio sclerosis, syphilis, or Bright's disease.

Mr. HALE: We do not consider that we are doing that. We consider that we are asking recognized medical authorities to determine, after having access to all the facts.

Mr. MCGIBBON: That is what I said, on a *prima facie* case based upon medical evidence. Then you are reversing the onus of proof in all chronic cases.

Mr. HALE: I must say that if the Committee feels reasonably disposed to accept it in tuberculosis, these conditions exist—

Mr. MCGIBBON: I am not discussing a case, but interpreting your proposal.

Captain GILMAN: We are not talking about onus of proof, but the only men who can tackle the situation are those who can speak from their knowledge of tuberculosis and from their experience in such cases; and they are the only ones who can give us a reasonable degree of evidence.

Sir EUGENE Fiset: We might hear from the medical board what means they use in determining such cases. I think they do employ expert evidence, and I would like to hear from Dr. Kee on that.

Dr. KEE: We do daily refer these cases, so far as medical opinion is concerned, to the specialists of the department; that is as far as it concerns medical opinion. I understood Mr. Hale to say that this was the only case he knew of that was referred. He will correct me if I am wrong.

Mr. HALE: May I say this is the only case that we have knowledge of where a board of specialists was convened, such as was convened in this particular case.

Dr. KEE: Then I misunderstood Mr. Hale. But we do every day refer a case, where it is a case of medical opinion. We do not refer cases where it is a matter of belief or disbelief. We, however, refer hundreds of cases to the tuberculosis specialists of the department, who are the best specialists in Canada, and in fact the leading specialists of Canada.

Mr. ROSS (*Kingston*): What do you refer to them, the case or the file?

Dr. KEE: The file.

Mr. THORSON: That is the point.

Dr. KEE: Yes, that is the point. The point is that the tuberculosis expert cannot examine the tubercular patient to-day and express an opinion as to whether that condition started ten years previously, from an examination.

Mr. ROSS (*Kingston*): Or from the file?

Dr. KEE: From the examination, from the x-rays, or anything that they can get. Anything that the man has medically is considered. The specialist is asked whether he bases his opinion upon the medical facts or history. As to the facts, that is another matter. These specialists are honest men and the best men in the country to give opinions on such things, and they do give very good opinions, and we could not get along without them. Some of them put in their reports such as this: If the man's statement without regard to so-and-so—and that comes back to the Board and they decide whether the statements are accepted or otherwise.

Sir EUGENE Fiset: Is it not the fact that when this matter was discussed before this Committee in 1928 it was the consensus of opinion that when you did refer a case of that kind for physical examination by your specialist, the file should not be produced, so as not to prejudice the man's case, or so as not to enable the specialist to form an opinion in advance?

Dr. KEE: I do not think that that is the case always. Some applicants ask that their file be not present when they are examined; and others want it all there. I think it is fair to the man and also to the examiner to have the file there. I think all the facts should be known to him.

Mr. McGIBBON: It all hinges on the onus of proof, and at present that is on the man.

Dr. KEE: Yes, and the point as I see it, in Hale's resolution, is this, whether or not any specialist in any disease can examine a man to-day and say on his examination whether or not that disease commenced ten years previously.

The CHAIRMAN: Doctor, may I ask you this? If you have a tuberculosis specialist who gives a written opinion, after having examined the file and having had a physical examination of the man, to the effect that he believes that this man's tubercular affection began whilst he was on war service; and if at the same time you have not on the file what you consider to be sufficient evidence to show that this man continuously suffered from tuberculosis since he was discharged from the army, what decision do you arrive at? Do you take the opinion of the medical man, or do you examine into the circumstances and then form an opinion of your own?

Dr. KEE: We examine into the circumstances in all cases of tuberculosis or other disease.

The CHAIRMAN: You do not take the opinion of the medical man as being your final decision?

Dr. KEE: No, we take the record.

Mr. THORSON: And who is the person in the Board of Pension Commissioners who will determine that finally?

Dr. KEE: No decision is given by the Board of Pension Commissioners except by a quorum of the Board.

Mr. THORSON: I should like to go into this with a little more particularity. When an application for pension is received from a man who says that he is suffering from tuberculosis, what is the first thing that is done with the application by the Board?

Dr. KEE: If a man writes in and says, "I have tuberculosis," we ask him to produce evidence that he has tuberculosis and send us a medical certificate from any medical practitioner that he has tuberculosis. First, we examine his file to see if he has had any chest condition while on service; and if we find that he has, we order an examination of him at once.

Mr. THORSON: But supposing his file shows no record of a tuberculosis condition, and he states he has tuberculosis?

Dr. KEE: Then we write him and ask him to send a doctor's certificate to that effect.

Mr. THORSON: Then what do you do with that certificate?

Dr. KEE: Then with that certificate we have his file and have a doctor in the department go over the whole case.

Mr. THORSON: Where is that doctor?

Dr. KEE: In Ottawa.

Mr. THORSON: What does that doctor do?

Dr. KEE: If that man has no file, we send to the Militia Department for the documents, and the Department makes a precis of those documents; then the doctor prepares himself, on top of that, notes for a meeting of the Board.

Mr. THORSON: Without any examination of the man?

Dr. KEE: Without any examination of the man.

Sir EUGENE Fiset: Supposing there is no documentary evidence on the file, and you have before you only the local doctor's certificate, do you not often ask the man to go to one of your hospitals in the district in which he is located to be examined?

Dr. KEE: Not always. We have seventy to one hundred applications every day, and it would fill up the hospitals in a week.

Mr. THORSON: So that your ordinary procedure, when you get a certificate from a doctor that the man has tuberculosis, and, that in the doctor's opinion it is related to service, is that you take that certificate plus the file, and if the file shows no record leading to tuberculosis, you deny the pension.

Dr. KEE: It is taken to a meeting of the Board—

Mr. THORSON: Before you take it to a meeting of the Board, the doctor who examines that file makes a report with regard to it?

Dr. KEE: He makes notes which are read at a meeting of the Board.

Mr. ILSLEY: Is this a doctor of the Board or of the department?

Dr. KEE: He is a medical advisor to the Board of Pension Commissioners.

Mr. THORSON: And he prepares a precis of the case, does he?

Dr. KEE: Yes.

Dr. MCGIBBON: Is that yourself you are speaking of?

Dr. KEE: I am the Chief Medical Advisor; we have ten other advisors.

Mr. THORSON: And the medical man who has the case in hand prepares a precis?

Dr. KEE: Yes.

Mr. THORSON: And presents that file to the Board?

Dr. KEE: I submit it.

Mr. THORSON: It goes direct to you?

Dr. KEE: Yes.

Mr. THORSON: And you submit it to the Board in your capacity as Chief Medical Advisor. Is the precis available?

Dr. KEE: Yes.

Mr. THORSON: To the soldier?

Dr. KEE: No, no man's file is available and nothing on the file is available to the man.

Mr. THORSON: Are those precis available to the soldier's organizations?

Dr. KEE: No.

Mr. THORSON: Where are those precis?

Dr. KEE: They are kept in the office.

Mr. THORSON: And are not available to anybody outside of the Pension Commissioners?

Dr. KEE: Yes.

Mr. ROSS (*Kingston*): Are they available to the soldier's advisors?

Dr. KEE: No.

Mr. THORSON: If you have the medical advisor passing an opinion on the case contrary to the opinion of the doctor who has made a personal examination of the applicant—

Dr. KEE: I have not got that far yet. The doctors have instructions that if there is a medical opinion with regard to something he has on service, something he has now, if there is any medical opinion that they can express an opinion on they are to put it down. If it is purely belief or disbelief of evidence, they are not to express any opinion whatever. That is a matter entirely for the Commisisoners.

Mr. THORSON: Taking the ordinary run of cases of the sort I have indicated, where a qualified physician has stated that the applicant has tuberculosis and that in his opinion it is connected with his military service, does the medical man before preparing his precis make a further inquiry or investigation as to the grounds upon which the physician has expressed his opinion?

Dr. KEE: He might in some cases, and in others probably not.

Mr. THORSON: In the majority of cases probably not.

Dr. KEE: I would say so. If you are limiting it to specialists, we would enquire why he did something like that. There is a different procedure which would be followed in each case.

Mr. THORSON: Are the various classes of ailments dealt with by special medical advisors in the Department? For example, will all the tuberculosis cases be dealt with by the one medical advisor in the Department?

Dr. KEE: The men are divided into sections, and some of them deal with hearts, others with lungs; and that is the way they handle their work.

Mr. THORSON: How many make a specialty of dealing with lungs?

Dr. KEE: There are three at present.

Mr. THORSON: Who are they?

Dr. KEE: Doctors Marcy, Bond and Douglas. It may vary some; sometimes there is a greater ratio on one class of disease than on another, and we may divide the work up.

Mr. THORSON: Would those three doctors be regarded as specialists in lung complaints?

Dr. KEE: Well, sometimes they think they are specialists. This matter of specialists is something which depends a lot on the man's idea of himself.

Mr. THORSON: Perhaps you might indicate what the qualifications of these three are.

The CHAIRMAN: Mr. Thorson, it is getting close to one o'clock, and I think the Committee would be rather interested in following out the procedure than in discussing the personnel.

Mr. SANDERSON: Mr. Chairman, I should like to ask the doctor this question: After they have gone all through any particular case that there has been any doubt about, and he has consulted his assistants, and so on, and when they bring that case back to the Board, do you make a recommendation on every case, Doctor Kee?

Dr. KEE: No, the Board's attention is always drawn to the fact that this is a doubtful case; and any doubtful case medically is, in all diseases, referred outside of the Board altogether. We have employed Doctor William Goldie, of Toronto, on an average of 200 days a year; some days we send him three cases in one day. We employ Doctor Jabez Elliott of Toronto, a chest specialist; Dr. Charles Martin, of Montreal, Dr. Duncan Graham, of the University of Toronto; Doctor Austin, a surgeon, of Kingston, not often but occasionally; and we employ Dr. Keenan, of Montreal; Doctor Galloway, of Winnipeg; all not connected with the Board.

Mr. ILSLEY: You ask them as to what they think about the attributability?

Dr. KEE: Yes.

Mr. ILSLEY: You do not always follow what they say?

Dr. KEE: If they express a favourable decision, the Board almost always grants it; and cases have been known where they have given a decision against the man in their opinion, and the Board still has granted it in those cases.

Mr. McLEAN (*Melfort*): In addition to the specialists, do you accept evidence and give it considerable weight, from the heads of sanatoria throughout the country?

Dr. KEE: Always.

Mr. SANDERSON: About what percentage of cases that you refer to outside specialists, or how many cases would there be in a year where you go outside of your own board and your own staff of specialists?

Dr. KEE: Every day in the year we refer cases, and some days we refer three or four cases.

Mr. ILSLEY: What percentage of applications are for disabilities, for diseases with insidious onslaught and of slow progression?

Dr. KEE: As has been said, some of them are acute and some of them are slow and insidious and chronic. It is difficult to answer that question.

Mr. ILSLEY: The line of demarcation is not easy?

Dr. KEE: It is not easily arrived at.

Sir EUGENE Fiset: In these cases which you have mentioned, is there a perusal of the file?

Dr. KEE: A submission of the file presented.

Mr. THORSON: Confining myself at present to the tuberculosis cases, does the medical officer who reviews that file express an opinion as to whether or not it is related to service?

Dr. KEE: Yes, only on the medical evidence; not as to whether Dr. John Jones treated the man in 1919 for chest conditions. If there is a certificate to that effect, he would express no opinion, because it would all depend upon that, if it was believed.

Mr. THORSON: But the medical advisor who has examined the file also has the opinion of the physician who has examined the man, and he will express an opinion as to whether the chest ailment is or is not related to service.

Dr. KEE: On the medical evidence. Those are his instructions.

The CHAIRMAN: Is this all?

Mr. ROSS (*Kingston*): I think we would like to hear a little further on that.

The CHAIRMAN: I would myself.

Mr. THORSON: Reverting to the difficulty to which I referred, when Mr. Hale finished, should we not have before us some outstanding medical man to determine whether it is possible to draw a line between diseases which are of slow and insidious onset and progression and those which are not?

The CHAIRMAN: Will you take that up the next time we meet?

Colonel LAFLECHE: Will you allow Major Bowler to make a few corrections in the record of March 28, 1930?

The CHAIRMAN: Would you file them?

The Committee adjourned until Friday, April 4, 1930, at 11 o'clock a.m.

APPENDIX No. 4.

Memorandum addressed to The Honourable J. H. King, Minister of Pensions and National Health, *Re* Recommendations of the Canadian Legion and Comments thereon by Commissioners McQuay and Ellis of the Board of Pensions.

THE BOARD OF PENSION COMMISSIONERS FOR CANADA

OTTAWA, March 12, 1930.

MEMORANDUM TO:

The Honourable J. H. KING, M.D., M.P.,
Minister of Pensions and National Health,
Ottawa.

The recommendations of the Canadian Legion, British Empire Service League, on pension matters following its convention in Regina last November have been considered by Commissioners McQuay and Ellis and I am attaching hereto, for your information, their comments thereon.

(Sgd.) J. PATON,
Secretary.

PENSIONS

Section 11

That Section 11 of the Pension Act be amended by the addition of a new subsection between subsections (a) and (b) provided that:

A disability, caused by a disabling condition which existed in a member of the forces at the time at which he became a member of the forces, shall be estimated to have been no greater than ten per cent at that time.

Explanatory note

This recommendation protects a member of the forces from an excessive estimation of the degree of a pre-enlistment disability. It is reasonable that no man accepted for service should be regarded as having more than a ten per cent disability.

Commissioners' comments

This proposal is obviously unfair in so far that men who enlisted with 30 per cent, 40 per cent, 50 per cent or more disability would only have 10 per cent deducted from their disability on discharge,—e.g. a man enlisting with a blind eye—on his discharge from the forces would be pensioned for that blind eye less 10 per cent.

Section 12

That Section 12 of the Pension Act be amended by the addition of the following subsection:—

- (d) That no member of the forces suffering from paralysis, paresis or blindness shall be denied a pension by reason of improper conduct, nor shall any member of the forces who is helpless or bedridden as a result of any disability be denied a pension by reason of improper conduct.

Comment

Section 12 subsection (a) of the Pension Act gives the Commission a discretion in such cases.

Section 12, subsection (c)

That Section 12, subsection (c) of the Pension Act be amended so as to prove that, where entitlement to pension has been admitted in the case of venereal disease contracted prior to enlistment and aggravated during service, pension shall be continued in accordance with the degree of disability present from time to time.

Explanatory note

The present practice is to award pension for the entire degree of disability present upon date of discharge, which rate remains stationary. The present proposal will not reveal any new applicants but is intended to give adequate compensation to a man whose health is admitted to have deteriorated by reason of active service conditions.

Comment

No criticism of this proposal.

Section 13

That Section 13 of the Pension Act be deleted.

Explanatory note

Pensions are a matter of right and should not be arbitrarily restricted as to the time in which application may be made. The time limit penalizes those who subsisted on a partial livelihood rather than apply for pension.

Comment

Time limit should be removed in respect to parents—pension to begin from date of application.

Section 25

That Section 25 be amended to provide that all members of the forces who have accepted final payment in lieu of pension shall, upon complaint, be re-examined and, if a disability remains, shall be restored to pension as from the date of commutation; and that there shall be deducted from the arrears of pension so created and from future payments of pension the amount of the said final payment; provided that the deduction from future payments of pension shall not exceed fifty per cent of the pension payable.

Explanatory note

The present statute does not permit further award to a pensioner who has commuted with a disability of less than fifteen per cent, even though the disability persists in that degree for fifty years. In a number of instances the pensioner received even less than the maximum amount of commutation pay-

ment because it was estimated that the disability would disappear in one or two years. This proposal is designed to remedy the entire situation by nullifying the final award where the disability is still present.

Comment

This proposal would appear to be fair—many pensioners suffered an injustice by the commutation scheme.

Section 27

That Section 27 of the Pension Act be amended so as to provide for payment of pension in accordance with the extent of the disability shown to have existed during the post discharge period.

Explanatory note

The present Statute restricts retroactive adjustment of pension unless it is proved that the examining board at the time of the soldier's discharge from the army finding him medically fit was in error. This proposal would enable the Pension Commissioners to award pension from the date upon which the presence of the disability is definitely shown and in accordance with the extent of the disability existing from time to time subsequently.

Comment

There would be great difficulty in measuring the disability after the lapse of a number of years. This proposal would be practically impossible to put into effect. In obvious cases a period greater than six months prior might be fair.

Section 32, subsection (1)

That Section 32, subsection (1) of the Pension Act be repealed and the following substituted therefor:—

That no pension shall be paid to the widow of a pensioner unless she was living with him or was, in the opinion of the Commission, entitled to be maintained by him at the time of his death and for a reasonable time previously thereto.

No pension shall be paid to the widow of a member of the forces unless she was married to him before the appearance of the injury or disease which resulted in his death—

- (a) Unless she was married to him before the date of the coming into force of this Act;
- (b) Unless when marriage is contracted after the date of the coming into force of this Act, he, a member of the forces, is able to obtain from the Commission a certificate to the effect that he has a reasonable expectation of life.

Explanatory note

The amendment to the Pension Act of 1928 was intended to create certain exceptions to the principle that no pension should be granted to the widow of a member of the forces where marriage was contracted after the appearance of the fatal injury or disease. It has been observed that the amendment has failed to solve the problem in respect of cases where death resulted from a pensionable disease.

Comments

The above proposals would give entitlement to pension to all widows who married after the appearance of the disability even though the man was on his

death-bed and the marriage was for the purpose of securing pension for the widow. The only restriction being that the marriage took place before the coming into effect of the proposed amendment which in the majority of cases would be eleven or twelve years after discharge. A fair provision would be as follows: Pension widows in cases—

- (a) Where marriage took place during service;
 - (b) Where marriage took place within a reasonable time after discharge (one or two years) except in cases where the man was suffering from a serious disability and the prognosis bad—and death likely to occur in the near future;
 - (c) Where the injury in respect of which he was pensioned or entitled to pension would not shorten his expectancy of life;
 - (d) After the period of limitation in clause (b) pension if the man was not chronically ill of the disease for which he died at time of marriage.
- Define chronically ill.

Section 33, subsection (3)

That section 33, subsection (3) of the Pension Act be repealed and the following substituted therefor,—

When an application for pension is made by a parent or person in the place of a parent who was not wholly or to a substantial extent maintained by a member of the forces at the time of his death but has subsequently fallen into a dependent condition, such application may be granted if the applicant is incapacitated by physical or mental infirmity from earning a livelihood, unless the Commission obtains or has produced substantial evidence of estrangement or of definite intent to withhold or refuse support.

Explanatory Note

The effect of the amendment is to transfer the onus. Under the present provision the applicant must adduce evidence leading to an inference that he or she would have been maintained by the deceased, if he had lived, a burden very difficult to discharge.

Comment

The above proposal is a much needed amendment and meets with our approval.

Section 34

That Section 34 of the Pension Act be amended by the addition of a further subsection after subsection (3):—

When an application for pension is made by or on behalf of a brother or sister who was not wholly or to a substantial extent maintained by a member of the forces at the time of his death but has subsequently fallen into a dependent condition, such application may be granted if the applicant is incapacitated by physical or mental infirmity from earning a livelihood and unless the Commission is of opinion that the applicant would not have been wholly or to a substantial extent maintained by such member of the forces if he had not died.

Explanatory note

This recommendation proposes to extend prospective dependency now provided for parents to a brother or sister. Very few cases are known but these are of a particularly distressing nature.

Comment

This proposal places a brother or sister in a preferred position over a child—and seems unfair.

Section 37

That paragraph (a) of Section 37 of the Pension Act be amended as follows:
After the words "to a parent" insert "or a brother or a sister."

Explanatory note

This recommendation is consequent upon the previous proposal.

Comment

Not approved.

PENSION FOR CONSEQUENTIAL DISABILITIES

That entitlement to pension be more freely admitted in respect of disability or death due to accidents or injuries which are alleged by the evidence to have been resultant upon disablement or service origin.

Comment

If the disability or death following accident is consequent upon the service disability the claim is allowed under our present procedure.

BURIAL OF PENSIONED WIDOWS AND PARENTS

That the Government of Canada be requested to arrange for payment out of public funds for funeral costs in the case of a pensioned widow or parent who dies in indigent circumstances.

Comment

The Act at present restricts the burial grant to ex-members of the forces. There are at present over 9,000 dependent parents and 7,800 widows whose estates might be claimants.



GOVT PUBNS

SESSION 1930

HOUSE OF COMMONS

(SPECIAL COMMITTEE

ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6—FRIDAY, APRIL 4, 1930

EVIDENCE:—Dr. Kee, Chief Medical Adviser, Board of Pension Commissioners; Messrs. Hale and Gilman, representing the Tuberculous Section of the Canadian Legion; Messrs. Bowler and Barrow, of the Canadian Legion; Col. L. R. LaFlèche, Dominion President of the Canadian Legion; Mr. V. R. King, of the Auditor General's Office; Col. Thompson, Chairman of the Board of Pension Commissioners.

APPENDIX No. 5:—Professional and Qualification Standing of certain Medical Advisers.

MINUTES OF PROCEEDINGS

COMMITTEE ROOM 368,

FRIDAY, April 4, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Chairman, Mr. Power, presiding.

Members present:—Messrs. Adshead, Black (Yukon), Gershaw, Ilsley, McGibbon, MacLaren, McPherson, McLean (Melfort), Manion, Power, Ross (Kingston), Speakman, and Thorson—13.

Honourable Senators present:—Messrs. Buchanan, Graham, Griesbach, Lewis, MacArthur, Rankin, White (Pembroke), and others.

In attendance:—Officers of the Dominion Executive of the Canadian Legion, B.E.S.L., representatives of Provincial Commands of the Canadian Legion, officers and commissioners of the Board of Pensions of Canada, commissioners and officers of the Soldier Settlement Board, Mr. E. H. Scammell, of the Department of Pensions and National Health, and Col. C. B. Topp, of the Federal Appeal Board.

Dr. Kee, Chief Medical Advisor of the Board of Pensions was re-called for further evidence in respect to the practice followed by the Board under the provisions of Section 24 of the Pension Act, and also with regard to recommendation 16 of the Canadian Legion. *See Minutes of Evidence.*

In the course of the evidence given by Dr. Kee, copies of the professional and qualification standing of the Medical Advisors attached to the Board of Pensions were submitted and considered. *See Appendix No. 5 herein.*

Much consideration was given to the statement given by Dr. Kee in respect to the number of claimants for pension in the month of January, 1930, number of claims admitted, number rejected, claims for retroactive pension, number of decisions given, number yet to be decided, and also as to contents of a precis attached to files, of claimants for pension.

Mr. Richard Hale, representative of the Tuberculosis section of the Canadian Legion referred to certain conditions of veterans residing in rural districts, who were affected with bronchial trouble.

Mr. E. E. Spencer, counsel for the returned soldiers' organizations, was given leave to ask questions regarding some of the figures given by Dr. Kee in his statement relating to the activities of the Board in the month of January, 1930.

The Committee adjourned until 4 o'clock this day.

MINUTES OF PROCEEDINGS

AFTERNOON SITTING

FRIDAY, April 4, 1930.

The Committee met at 4 o'clock p.m., the Chairman, Mr. Power, presiding.

Members present:—Messrs. Adshead, Fiset (Sir Eugene), Gershaw, Hepburn, Ilsley, McGibbon, McIntosh, MacLaren, McPherson, McLean (Melfort), Power, Ross (Kingston), Sanderson, Speakman, and Therson—15.

Honourable Senators present:—Mr. MacArthur, and others.

Messrs. Hale and Gilman were examined for evidence regarding Recommendations 17 and 18, respectively relating to Housing and tuberculosis pensioners and special nursing allowances.

Mr. Bowler gave evidence in respect to Recommendations 9, 12, 13, 14, relating to payments of pensions, deletion of certain words in Section 51, subsection 5 of the Pension Act, and medical classification.

Mr. Barrow gave evidence in respect to Recommendations 19, 20, and 24, relating to refund of medical expenses, medical board allowances and Imperial pre-war residents.

Col. L. R. LaFlèche gave evidence in respect to Recommendations 11 and 15, relating to helplessness allowances, and Appeal Board procedure.

In the course of the evidence given by the above-named witnesses, questions were answered by Col. Thompson, Commissioner McQuay, and Dr. Millar.

In the course of the evidence given by Col. LaFlèche, Mr. Stockton of the Auditor General's Office submitted that Mr. V. R. King, might give information regarding certain auditing made since May, 1929, as the Board of Pension Commissioners.

Mr. V. R. King, auditor, was called for evidence, as to certain auditing carried out under instructions given him by the Auditor General. *See Minutes of Evidence.*

The Committee then adjourned until Monday, at 4 o'clock.

MINUTES OF EVIDENCE

COMMITTEE ROOM 368,

HOUSE OF COMMONS,

FRIDAY, APRIL 4, 1930.

The Special Committee on Pensions and returned Soldiers' Problems met at 11 o'clock, a.m., the Chairman, Mr. C. G. Power, presiding.

The CHAIRMAN: Yesterday we were on No. 16, and arising out of that section we were discussing with Dr. Kee the procedure usually followed. Dr. Kee, will you continue?

Dr. KEE recalled.

By Mr. Thorson:

Q. Yesterday, Dr. Kee, I was asking about the medical advisers. I thought it might be available to have a statement on the record as to the names of the present medical advisers, their military records, and their professional experience. Can that be obtained from the board?—A. I have a statement here this morning, as per your telephone conversation.

The CHAIRMAN: Perhaps we could put that in the record.

Mr. MACLAREN: You are filing what?

The CHAIRMAN: Mr. Thorson has asked Dr. Kee for a statement of the names of the medical advisers connected with the board, their qualifications and army records. Dr. Kee has one of these statements prepared, and I am asking if it will be satisfactory if it is filed in the record of proceedings.

Mr. MACLAREN: Will that include their professional experience?

The CHAIRMAN: That includes their professional experience, yes.

By Mr. Thorson:

Q. That is, their qualifications for the special class of work that they are called upon to perform?—A. Yes.

Mr. ADSHEAD: That does not include the specialists they engage outside.

Mr. THORSON: No.

By the Chairman:

Q. You are now under the control of the Civil Service Commission, are you not?—A. Yes.

Q. Most of these men were appointed prior to the Civil Service Commission taking you over, were they not?—A. They have been permanent since 1924,—eight of these men.

Q. If any new men are to be appointed, they must be appointed through the Civil Service Commission?—A. Yes.

The CHAIRMAN: So I am going to rule it out of order to discuss the qualifications of those men, because we have not anything to do with the Civil Service Commission.

Mr. McLEAN (Melfort): They are all certificated men.

The CHAIRMAN: If they were all fired to-morrow we could not replace them by better men, and the Civil Service Commission would replace them by worse men.

Mr. THORSON: I do not know that that should go as the view of the committee, Mr. Chairman.

The CHAIRMAN: It is not the view of the committee

Mr. MACLAREN: Is the filing of those particulars agreed to, Mr. Chairman?

The CHAIRMAN: Yes.

(Particulars to be filed as an appendix.)

By Mr. Thorson:

Q. Continuing along the lines that were commenced yesterday, Dr. Kee, I understand that there is on each applicant's file a precis which is a summary of his military medical documents?—A. Yes.

Q. And that precis remains on the file?—A. Yes.

Q. But in addition to that precis there is another precis prepared by the medical adviser who reviews the file plus such evidence as may be submitted on behalf of the applicant for pension, and that precis is not on the file?—A. That is right.

Q. And is not available to the Federal Appeal Board?—A. No.

Q. And is not available to the soldiers' advisers?—A. No.

Q. With regard to that precis prepared by the medical adviser, is there a recommendation included on it as to whether pension should be granted or not?—A. On some.

Q. On what proportion of them is such a recommendation included?—A. Oh, their instructions are to put a recommendation on, based only on the medical evidence. The medical records are the evidence.

Q. And when you speak of medical records, you include opinions from physicians who have examined the man personally?—A. Oh, yes.

Q. Would you say that a recommendation is included in the majority of the precis that are prepared?—A. Well, I suppose it would run about 50-50, somewhere along there. A great many of these precis are short. We often have not a file on the man's case. He writes in and says, I have rheumatism, or flat feet, or something, and I want a pension. We have to go then to the military people and get his military record and make a file. The department does that for us, and then the doctor looks over the military record, and if the military record shows that he had this on service, in cases where we think entitlement should be admitted we have him examined. If there is no mention of it whatever, and this just comes out of the blue, we write to him and ask him to send in a medical certificate showing what he has, and we will consider it. If he sends in the medical certificate, saying he is suffering from rheumatism and there is no mention of it on his documents, or no evidence of having had it since discharge, it goes up just as it is and the doctor will express his opinion that the rheumatism he has now is not related to services.

Q. Without further investigation?—A. Yes, without further investigation.

Q. Without further investigation?—A. Yes, exactly.

Q. As to the connection between the disability that exists—A. Yes.

Q.—and the war service. That is what I am getting at?—A. Without any further investigation.

Q. Then when this precis is prepared by the medical adviser who has reviewed the file, what does he do next with the precis? Does he transmit it to you as Chief Medical Adviser?—A. He transmits that to me.

Q. As Chief Medical Adviser?—A. Yes.

Q. And then you bring the precis to the attention of the Board?—A. He submits the file to me with his synopsis on it; then the files are all taken to the boardroom.

Q. And what is presented to the Board—the precis?—A. The precis and file.

Q. It is quite impossible, I suppose, to read the file to the Board?—A. Well, in short cases there is not very much in them, but in long cases there are sometimes three or four pages of synopsis.

Q. What I am getting at is that the Board has more or less to rely upon the precis?—A. Yes, sometimes we find the doctor has left something off; if he has left something off the synopsis we go back and read the original documents to find out if it is just as he has stated.

Q. I think you said something yesterday about the Board passing upon the weight of evidence on the file.—A. Yes. The doctor has instructions, where it is a case of belief or non-belief of evidence, for instance Doctor Smith sends his certificate to say that he had examined this man in 1919 or 1920 and found him suffering from tuberculosis. In a case like that, the adviser has instructions not to express any opinion at all, because the whole case may fall on that certificate, or be accepted on it. In such cases he gives no opinion, but leaves the case open.

Q. Well, when it is a question of opinion as to the attributability of the disability to war service, and a specialist has expressed the opinion that the disability is attributable to war service, and one of the medical advisers is of the contrary opinion, which prevails?—A. Of course, I would have to limit your statement a little, in this way. We receive every day certificates sent in by applicants from doctors throughout the country saying, "I have examined this man to-day and found that he is suffering from rheumatism, or bronchitis, or heart disease, and in my opinion it is related to military service." That man may be a specialist—sometimes it is hard to distinguish between specialists and non-specialists. If the superintendent of a sanatorium says that in his opinion this tuberculosis is related to war service, I should think that would prevail, that is if he is basing his opinion upon his finding and not upon the statement of the man, but on his military record and his examination.

By Mr. Ross (Kingston):

Q. Does he express an opinion very often?—A. We ask him for one often.

By Mr. Thorson:

Q. In connection with that sort of an opinion does the medical adviser write to the doctor who gave the certificate, asking the basis upon which he gives his opinion?—A. We do not write to a practitioner, but if a sanatorium man expresses such an opinion we would write and ask him if he bases his opinion upon his finding or on the man's record, or upon statements which the man has made to him.

By Mr. McPherson:

Q. Would the sanatorium have the man's military record?—A. No.

Q. So that the specialist at the sanatorium could not base his opinion on the military record or military sheet but on the soldier's own statement?—A. He would take their history when the man comes to the sanatorium.

Q. You say you never write to the ordinary doctors unless they are specialists?—A. No.

Q. Do I take it that when a general practitioner sends in to you that a certain man has consumption now, and the general practitioner says he attributes that to war service, you say you pay no attention to that?—A. No, if he says he has been attending this man for some years after his discharge, we at once investigate whether he has been attending him or not.

Q. The point I am making is that it was not admitted, but the man from the sanatorium would not have been attending him at his home?—A. No.

Q. I was taking it that you were differentiating, and to a certain extent it is right, between a specialist and a man who is a general practitioner. I have seen general practitioners who knew a great deal more than some specialists.—A. That is quite right. There is one man, a member of parliament here, who differed from the specialists; and when we had further examinations made, we found he was right.

Q. A lot of men call themselves specialists who are not very high in their specialties.—A. That is right.

By Mr. McLean (Melfort):

Q. In the sanatorium they have a record of the man running back over some time anyway?—A. I do not see how they would get it.

Q. They have the man under observation for some time?—A. Some sanatoria may send and get the man's military record, but with a new man going in they are not likely to have it at this date.

Q. Could they tell from his condition about how long a disease had been progressing?—A. If we could get a medical man, a specialist, to come out and say, "I have examined this man to-day, and I find he has tuberculosis, and from my findings it has been in existence for ten years," a great deal of our difficulty would be solved.

By Mr. Adshead:

Q. Why should not the precis be available on his record?—A. It is not a precis, it is merely a synopsis, and it may be misleading. It is for hurrying up the work and for the guidance of the Commissioners. If it is left on the file it is quoted as a document, and it really is not a document.

Q. Does it not influence the Board in their decision?—A. Of course it must contain what is on the file.

Q. If it influences the Board in their decision, why should not the soldier's representative have access to it?—A. One could argue the other way and say that it would be against the soldier.

By Mr. MacLaren:

Q. How can it be misleading to the Pensions Board?—A. The Pensions Board have the complete file. Of course the Pensions Board says to the medical advisers that they want their opinion, and then pass on it.

Q. My question is, you say you think it should not be misleading to the Pensions Board—I am now referring to the precis of the medical adviser, and you think it would not be misleading. Then I say, if that be the case why should it be misleading to the soldiers' adviser?—A. I do not know. He might take it that that was the complete file and not look at the rest of it.

Q. Are there any objections to allowing the soldier's adviser to see the precis of the medical adviser?—A. Last year, before this Committee, the objections were stated to be that the soldier's adviser took this precis and got up before the Appeal Board and said, "Here, this case has been misrepresented to the Board of Pension Commissioners. This doctor has not represented the facts on his synopsis, and therefore this case should go in because the Board has not fully considered the case, but has considered it on this wrong synopsis."

Q. And was not that true?—A. I do not think so.

By Mr. McPherson:

Q. When the case comes before the Board and the Board relies on the precis, does it not mean that the adviser misleads the Board, when they consider only his precis?—A. Oh, no, the file is always there.

By Mr. Thorson:

Q. How many cases, Doctor Kee, does the Board consider at one sitting?
—A. We are averaging now from 60 to 100 a day.

Q. And when does the Board commence its sittings?—A. 9.15.

Q. And when does it conclude its sittings?—A. Any time between that and 12 o'clock.

Q. So that it is in that interval of time that they consider from 60 to 100 cases?—A. Yes.

Q. Is it humanly possible?—A. Some of the cases can be done in one second, while other cases take from 20 minutes to half an hour.

Q. It does not seem to me possible to give adequate consideration not only to the precis but to the file in that short space of time, in view of the fact that there are so many applications dealt with in the course of each day.—
A. It is.

Q. How is it possible to review the file in each case?—A. On files with very little on them, I think they are done quickly, as you can understand; but the difficult ones—probably you might be rushed; there is plenty of work.

Q. I suppose the same thing applies to the work of the medical advisers in preparing their precis to be presented to the Board through you?—A. Yes. We have taken on two extra ones during the last year, but I think we are under-staffed yet.

By the Chairman:

Q. Is it not a fact that a large number of these files refer to cases which have been dealt with already two or three times by the Board, and the Board is fairly familiar with the whole of the file?—A. Yes, I should think 20 per cent are coming back.

Q. I would be appalled at the thought that the Board of Pension Commissioners was receiving 100 new cases a day that have not been touched before. They are not really new cases?—A. I have a statement here which I will give you.

By Mr. Thorson:

Q. Perhaps you will give us a statement of the number of cases which you have dealt with per day, covering the past month or two months?

By the Chairman:

Q. Can you differentiate between those which are absolutely new and have never come before you before and those which have been up before?—A. I think so. In the month of January, 1930, the total number of new applicants—those are men who have never had a pension or have never asked for one—was 1,105. The total number of new claimants for injury or disease, that is new applicants and other pensioners who did have a pension or have applied for a pension for some other injuries, is 1,668. Total number admitted—

By Mr. Thorson:

Q. That is in addition to the first figure?—A. That is the total number.

Q. But is that exclusive of the first figure given us?—A. Oh no.

By the Chairman:

Q. There are some 500 who already had a pension who are asking for additional pension on account of some additional trouble which has developed?
—A. Yes. We have about twenty working days, probably. Total number admitted, 418; total number rejected, 1,215. That is in January.

Q. Can you let us know which of these were new cases that you admitted, and which were old cases?—A. I do not think I can give you that here.

Q. It might be interesting to know that.

By Mr. Thorson:

Q. I think it would be interesting.—A. These are living applicants. Now, deaths, the total number of deaths before the Board, 106 in January.

Q. That is applications for pensions by dependents?—A. Exactly. Total number of deaths admitted, 37; total number rejected, 69.

By Senator Griesbach:

Q. Could I ask you a question? Do you say that a great many of these applications which come before you are very badly prepared and involve a lot of correspondence, and the fellow puts in more stuff and more stuff until he finally gets a pension; but his first application is badly prepared?—A. That is the trouble.

Q. Would you say, if a system were evolved whereby eminent legal practitioners were properly paid to prepare the cases for these men in accordance with the law, that the work of the Board would be simplified and that many more men would get pensions who are entitled to them?—A. I think so.

By Mr. McGibbon:

Q. Would you think that the ordinary man through the province would be as well qualified as the official?—A. I think probably so. You are asking about those who had been up before. The total number of cases in which additional evidence was submitted was 320; that is out of the 1,668, 320 has been up before. The total number of claimants for retroactive pension during the month of January was 141.

By Mr. Thorson:

Q. Is that in addition to the 1,600?—A. Yes. Total number admitted, 93 out of the 141; rejected, 48. Total number of claimants considered under the 1927 amendments whereby if a man submits additional evidence after having been before the Federal Appeal Board he can come back, 39.

By Mr. Adshead:

Q. That is not included in the 1,600?—A. No. Total number of claimants for increased assessment, 17. Miscellaneous, including pension, clothing allowance, and so on, 63. Total number of decisions given by the Commissioners, 1,890.

Q. What is the total number of cases of all kinds submitted and considered?

The CHAIRMAN: That is it, 1,890, submitted in one month. And yet to be considered, Doctor, how many?

The WITNESS: Yet to be decided, 83.

By Mr. Adshead:

Q. The total number of cases were 1,890, plus the 83.

The CHAIRMAN: That is in the yearly total.

By Mr. McGibbon:

Q. Do you think if counsel were presenting those cases, you would get through with that many a day?—A. No.

Q. Don't you think that about six would be a good day's work?—A. A contentious case often with the Commissioners takes an hour. They pick them out very carefully.

Mr. MCGIBBON: But you would consider that number impossible if presented by counsel for the applicants?

By the Chairman:

Q. A chap writes in from somewhere asking for a pension, simply saying that he is suffering and wants a pension, and he does not give any explanation of it; and you write to him that you think he should produce a medical certificate?—A. Yes.

Q. Do you consider that is a case disposed of?—A. No, that does not go to the Board.

Q. If it comes to the Board and he produces a medical certificate and this precis of which you speak has already been filed, and if the Board thinks there has not been sufficient evidence, you write back to the man advising that there is not sufficient evidence.—A. The Board says, Post-discharge, and we write back to the man.

Mr. ADSHEAD: It takes time to bring the file down and read his name and ask about it.

By Mr. MacLaren:

Q. You stated that there was an objection to placing the precis of the medical adviser on the file. One objection would be that in the case of appeal the soldier's adviser might then challenge the precis. In some cases, I take it, the precis of the medical adviser is a vital matter in the application for pension. Is that so?—A. It should not be.

Q. You do not consider it important, then?—A. We consider it a help to the Commissioners to get through their rush of work.

Q. But it still goes to the Appeal Board?—A. Oh, no, our precis does not.

Mr. THORSON: Oh, no, it is not available to the Federal Appeal Board.

By Mr. McGibbon:

Q. As a matter of fact, would it not be the case that you would never read the evidence but only the precis?—A. Oh, no, we often read the evidence. The precis often refers to the certificate.

Q. How can you do it, when you are handling one case about every two or three minutes?—A. They all go in in one pile and then they are sorted, those on which there is no evidence at all and nothing on their documents but only the certificate on file.

By Mr. MacLaren:

Q. Let me finish my question. Dr. Kee says that the objection to placing the precis before the Appeal Board is that the soldier's adviser might challenge it. Now, what I want to ask Dr. Kee is, why should he not have the opportunity of challenging it, if he thinks there is ground for it?—A. That is quite right, if he thinks there is. A precis, in order to be complete, should take in every document on the file; and that is impossible. You have the file there. If this precis were absolutely not to be criticized, if it were in such form that it could not be criticized, it would have to take in everything on the file. I can hand two men a file and ask them to synopsise that file, and you cannot get two men to synopsise it in exactly the same way. That is impossible.

By Mr. Thorson:

Q. May I ask one question there? Do the Commissioners acquaint themselves with all the details of the case in each case before they come to a decision, or do they not?—A. The Commissioners are very careful. They are very careful in a case in which there is the least suspicion of merit.

Q. Is there any possibility under the present accumulation and with the present number of Commissioners, for them to acquaint themselves with all the details of every case that comes before them?—A. They hold the doctors to a great extent responsible for placing the most important things before them; but I very often get very badly called down on account of the doctors not stressing something in favour of the man.

Q. So that the Commissioners have very largely to rely upon the precis which has been prepared?—A. They do, in cases in which there is not much doubt; but in special cases every detail is read, and often the original certificate which comes from the doctor. They pick out what has a bearing on the case and go to that point.

By Hon. Mr. Manion:

Q. The point is that they give a good deal of time on that, to what they consider important; and the others you pass perhaps in a minute?—A. That is the idea.

The CHAIRMAN: Dr. Ellis would like to say something now.

Dr. J. F. ELLIS: Mr. Chairman, a lot of these cases take a very little time, half a minute. A man may be pensioned for flat feet and he is killed in a motor accident, and it is not necessary to discuss that, because it may be decided in a few seconds that his death was not related to service.

Mr. GERSHAW: In deciding on a case, you of course take up the man's physical condition and his medical history, and so on, but do you consider the length or the character of his service in a theatre of war, his accomplishment as a soldier?

Dr. ELLIS: In so far as the Pension Act states that those who served in a theatre of war shall get pension.

Mr. GERSHAW: Supposing he served a week in the theatre of war, would he have the same chance of getting a pension as though he had served for three or four years?

Dr. ELLIS: Certainly, if he served in the theatre of war.

Mr. GERSHAW: Would the character of the service enter into it?

Dr. ELLIS: No, the theatre of war people all get the same.

Mr. THORSON: That is, you would not inquire into the actual conditions under which he served in France and the kind of service he was engaged in, in determining the question of relationship of disability to service?

Dr. ELLIS: Yes, sir, in the same way that it is taken into consideration—a man's service is always the first thing that is read to the Board.

Hon. Mr. MANION: You know that in practically all the cases in the lines, when the doctor attended a man, if he came into a dugout to be attended by a doctor, if he was not sent out of the line there was no record on his sheet?

Dr. ELLIS: Yes, that is correct.

Hon. Mr. MANION: And the same way behind the lines?

Dr. ELLIS: Yes, sir.

Hon. Mr. MANION: In other words, a man who had lots of guts—that is the only word to use—and insisted on going on with his work, and did not really wish to be stopped from doing his duty, might suffer time and again from

some condition in the lines, whether it was rheumatic pains or coughs—and everybody coughed in the winter time—he might appear before the medical officer in the lines time and again and might never have a line on his medical sheet.

Dr. ELLIS: That is true, and that is the test of those who suffered.

Hon. Mr. MANION: And that is where a lot of men may be unconsciously unjustly treated by the Board because of the lack of a mark on their medical sheets, and done an injustice?

Dr. ELLIS: That is quite right.

Mr. ADSHEAD: And supposing a man had some form of heart trouble and took pneumonia, you would not say that was attributable to war service and would rule it out. But if he had not had that disability, he would have had a better chance of recovery.

Dr. ELLIS: If a man had a heart condition and died as a result of pneumonia, if it was valvular disease of the heart, it would be considered as from service.

Mr. ADSHEAD: You would take it that that had something to do with his death?

Dr. ELLIS: We do.

Mr. THORSON: When old cases come up for reconsideration on new evidence, does that new evidence first go to the medical adviser?

Dr. ELLIS: Yes.

Mr. THORSON: And then does he prepare a new precis, for the consideration of the Board, as to the value of the new evidence?

Dr. ELLIS: He brings back his old synopsis and adds a new synopsis on the new evidence.

Mr. THORSON: When that case comes up before the Board for reconsideration, does the Board give consideration to the file?

Dr. ELLIS: Always.

Mr. THORSON: Always?

Dr. ELLIS: Always. There is never anything comes to the Board without the complete file. In, I should think now, 40 per cent of the cases the original documents are on the file when it comes before the Board.

By Mr. Thorson:

Q. Now, in the case of new evidence does the board rely on the precis as to the old evidence plus the new evidence, or does it rely on the new precis that is prepared?—A. Mr. Thorson, we have three members of the board here, and I would suggest that one of them answer that question.

Q. I want you to say, as medical officer.—A. In my opinion, they take the whole file every time.

Q. I am speaking about the consideration that the board gives to the matter, the Board of Pension Commissioners, because these files are presented to the board through you and I gather that you are present at the deliberations of the board and the medical advisers are not.—A. That is right.

Q. Well, then, does the board rely on the new precis in the case of new evidence or does it review the whole of the file in a case of that sort?—A. It depends if that new evidence has any bearing.

Q. Who decides whether it has any bearing or not?—A. The board does, always.

Q. How can they do that without considering what evidence there is on the file prior to the reception of this new evidence?—A. Well, they must know the facts of the case before they consider any evidence.

Q. In arriving at their knowledge of the facts of the case, do they go through the file or do they rely on the precis that was before them previously?—A. Well, now, Mr. Thorson, I thought I made myself clear on that. I am present at 90 per cent of the meetings of the board, and the synopsis may be read, and before I get any distance I may be asked to turn back on the file and read the report. The synopsis may state, "Refer to report so and so on page so and so, go back to that." The synopses are not entirely just something to be read. There are references in them back to what is in the file.

Q. But what you start off with, in submitting each case to the board, is the reading of the precis?—A. Exactly.

Q. And in a large majority of the cases that is all that is considered.—A. In the cases that are very clear, as Dr. Ellis just mentioned.

Q. And, in those cases, the board does not look at the file?—A. In some cases, such as the case Dr. Ellis mentioned, a man with flat feet, and it comes in a death certificate that he is killed in a motor accident—

By Mr. McGibbon:

Q. What puzzles me, Dr. Kee, is how you are able to do these things in three minutes. I cannot see that it is possible. It would take you three minutes to read the precis.

The CHAIRMAN: Personally, I would like to see a sample precis of what might be called a simple case, and a sample precis of a complicated case, and a sample precis of an intermediate case.

Mr. THORSON: I would like to see the operations of the Board of Pension Commissioners in session.

The WITNESS: We invite you to a session; we will be glad to have you there.

By Mr. Ross (Kingston):

Q. Dr. Kee, when a man makes an application you get his military record?—A. Yes. We have to go to the Militia department for that. The Militia office is in the same building.

Q. Well, you get his military record from there?—A. Yes.

Q. And you immediately assign that application to the section dealing with those men?—A. That is right.

Q. And those men go through the applicant's military record?—A. Yes.

Q. You say that you make a precis after that; that precis contains more than that. The precis is made up of a report from medical advisers on this man, at different times?—A. Excuse me a minute. The department makes a precis of the medical record—

Q. All right, which department?—A. The Department of Pensions and National Health. They make a precis.

Q. Is that the first precis?—A. That is the first one.

Q. That is the first one?—A. That is the military record only.

Q. All right, not containing any report?—A. No, nothing at all.

Q. For instance, this man has been discharged in Canada; he has gone to a hospital; he has been boarded in Canada since his discharge, and the report is received by you on that man?—A. Yes.

Q. Containing those symptoms?—A. Yes.

Q. —of his complaint, and his ailment?—A. Yes.

Q. So the first precis contains all the points on that, does it not?—A. You are meaning the military synopsis, or the synopsis the doctor makes.

Q. The first precis, the precis that is on that man's file?—A. Well, it would not contain any hospitalization after discharge.

Q. I cannot agree with you there, because I have seen it on the precis. Now, then, as to the second precis that is made up by your own men. This file comes to you with the first precis which belongs to the Department of Pensions?—
A. Yes.

Q. That is there all the time, available for any person?—A. Exactly.

Q. What difference is there between this precis prepared by the Board of Pension Commissioners and the second precis which is not available, which is a secret document?—A. Well, the only difference is that this precis may take in this synopsis which the doctor makes, not as comprehensive as the original precis.

Q. Which precis, then, will take in the reports of the boards or the medical man who examines him when his hospitalization after discharge is completed?—A. The doctor's.

Q. The doctor's?—A. The doctor's synopsis.

Q. That is the one?—A. Yes.

Q. But the doctor's board is all there on the file; I have seen it on the first precis; there must be a complication?—A. I think, General Ross, that probably in 1919 the old yellow precis that were on those files may have had some boards in them, after discharge; probably for a year or six months they may have been copied in.

Q. I want to get the difference then. What is the difference between this precis, which is the more complete one, the report of the next precis or your precis?—A. Well, the precis that the department makes for us is supposed to be a duplication of the man's regimental documents, nothing more or less.

Q. Which may contain some of the boards.—A. It should contain all of them.

Q. Then the Department of Pensions' precis must be complete?—A. Yes.

Q. And upon that largely do you place your decision?—A. We use that as a duplicate of the regimental documents, but often it is not just exactly right. The man might make a statement in a letter—

Q. The official adviser of the soldiers, then, was perhaps very correct when he said that this precis was not complete?—A. Very often some of those precis were not correct.

Q. And in submitting the precis without reading over the opinions of the different boards, you may give a wrong decision in regard to the man?—A. It is possible.

Q. Now, doctor, I want to point out this, that it is impossible for you to read up these boards and deal with seventy cases, or two hundred, as you did last week in one instance. It is impossible, doctor. I am not putting that out as any great criticism, but it is impossible, is it not?—A. Well, it is a lot of work.

Q. And unsatisfactory to a man who deserves fair treatment from his country, that is what I want to get at?

By Mr. McGibbon:

Q. How can you possibly consider a man's case properly in that length of time? It would take you more than half that time to turn over the leaves.—

A. Some of the files are very slim, not any more than two pages.

By the Chairman:

Q. What proportion are cases that can be disposed of quickly, simple cases?—A. Sixty per cent of them.

Q. Sixty per cent are simple cases, and the remaining forty per cent are more or less applications that involve the reading of the file, are they not?—

A. That is right, but there is nothing much to read in them.

By Mr. Ross (Kingston):

Q. Doctor, am I right in that assumption, that this is an unsatisfactory process from the man's point of view, or from the applicant's point of view.—

A. I would not say unsatisfactory. I will agree that there are—

Q. Great possibilities, then, of error?—A. We do make errors, but it is remarkable how few sometimes.

Q. Well, we differ on that. In accepting this man's application you say it is based on his medical attendant's certificate. The man sends in a certificate saying he has some ailment?—A. Exactly. Unless his documents show that he has been badly knocked around, in which case I might order an examination—

Q. You demand a doctor's certificate even if he has been under pension?—

A. Yes.

Q. I take it that you say now that if the certificate comes from a medical adviser or a medical officer of a sanatorium, it will likely pass with you?—A. Oh, no, I did not say that, sir.

Q. Well, pretty much. I got that idea from what you said.

Hon. Mr. MANION: They pay much more attention to it anyhow.

The WITNESS: I did not say that.

By Mr. Ross (Kingston):

Q. But if it comes from a practitioner you do not give it the same attention?—A. Oh, I did not say that.

Q. Well, that is what I gathered from what you said.—A. Oh, no, that is a wrong impression. I qualified it in this way: if a sanatorium specialist examined this man to-day and found he had advanced tuberculosis, we write to him—

Q. Then, supposing that comes from a practitioner.—A. Yes, exactly.

Q. What do you do in his case, do you write to him?—A. I stated that just a little bit before. We write to him, and if he says he has been attending this man, say, in 1919 or 1920, or if he says, "I examined him to-day and find he has tuberculosis, and in my opinion it is related to service," we do not write to him—

Q. But if this man says that he attended this applicant, you send back, or write back to some of them and say, "Show me your books."—A. Yes.

Q. Well, you know as well as I do that most of these doctors attended these men free and kept no record.—A. Quite true.

Q. But you will not accept the certificate of the doctor?—A. No, unless it is corroborated in some way.

Q. No matter how reputable that physician is.—A. Oh, yes, we investigate it, and we have accepted hundreds of them.

Q. What does your investigation consist of?—A. Well, our investigator goes to the doctor and says—

Q. Who is your investigator?—A. We have twenty-one of them in different parts of the country.

Q. A nurse?—A. I do not know that we have a nurse who investigates.

Q. The nurse of the department.—A. We have mostly men investigators. The nurse does most of the social work only. The doctor says, I attended this man, and he was discharged, say, in 1919, in the spring; the doctor sends in his certificate, and says, "I have examined this man to-day and he has tuberculosis; I have been treating him from February, 1920, for this condition at different times." Now, no case like that would be turned down, because we have signs and symptoms within the year. So we would send out one of our investigators to the doctor, and he would say, "Doctor, have you any record, here is your certificate?" The doctor says, "Well, I have records here," or he will say, "I have no records." Well, then, the investigator will say, "How or by what method

do you fix the date, February, 1920?" and if he gives sufficient proof that he attended this man, even though he has no records, that may be quite satisfactory to the commission; it has been in cases. But if he says, "Well, I have no record, and I do not remember the man, but at the same time I treated him," why, we would not accept that.

Q. But if the doctor gives a certificate and says, "I know and I declare, and swear, that this man was attended by me" you accept that, do you not?—A. The board has accepted affidavits. They ask him for an affidavit, but some doctors refuse to give an affidavit.

Q. If the doctor will submit an affidavit, a declaration or a sworn statement, that will be acceptable?—A. Not in all cases. For instance, a doctor says, "I treated this man in France for bronchitis" and he makes an affidavit to that effect, well, that doctor could not have any record. He was with the regiment, but they will send upstairs and find out what field ambulance the doctor was with or what regiment he was with, and if the man at that time was in the same regiment, that would couple it up. They always look for some corroboration, otherwise every case would be in.

Q. You have a record of every medical officer's movements?—A. We can get his movements right from the day he leaves Canada.

By Mr. McGibbon:

Q. Doctor, can you do that?—A. Yes.

Q. I doubt it very much, without seeming to disagree with you. I know that when I was with my regiment it was our duty to keep men in the front line. They would report sick, and we would probably place them in a dug-out and treat them, but there would be no record of that, and then they would be sent back to the front line?—A. Yes, that might happen, doctor. I agree with you there. They did not go back to a hospital.

Q. Exactly. It was our duty to keep them in the front line. I think it was in the year 1920 that I induced the government to give assistance to Calydor sanatorium because at that time—you will find it is on the record I think—there was not ten per cent of the chest cases that had been properly diagnosed.—A. That is quite right.

Q. Well, now, predicated on that fact, that two years after the war there was not ten per cent, say, of the tuberculous cases properly diagnosed, how are you going, at this late stage, to prove that an applicant's condition was not brought on from service? There is no evidence in existence.—A. That is right, doctor. We have some cases. For instance, a man discharged from the army, he had a D.A.H. He got, say, a five per cent pension for a D.A.H. Probably he commuted that and to-day he has tuberculosis.

Q. Is not the balance of evidence in his favour, that he had tuberculosis all the way through?—A. In many of those cases.

Q. But you cannot prove it?—A. We send them out to the best men we can procure, to give opinions on them.

Q. Yes, but you cannot prove it, that is the point.

Hon. Mr. MANION: In justice to a lot of medical men who have been sending in certificates—and I feel there is a good deal of criticism in that connection—a large proportion of the certificates coming from the general practitioners are not good certificates, and I can quite understand why a large number are not. But the reason is this, that the general practitioner has been asked to do this for nothing. These poor chaps who are right up against it, returned soldiers, go to the general practitioner, and the practitioner treats him free, and in many cases they give the man a slipshod certificate, and in that way I have no doubt the same attention is not paid to that certificate as is paid to the certificate of the specialist who has been paid for his services, yet

in many cases the examination by the specialist is no better than that given by the general practitioner. If the general practitioner had been paid, doubtless there would have been a lot better attention paid to the men and a lot better certificates sent in. That is the position of the ordinary medical man. He does not charge those men, and, as a rule, the returned man slips around from one doctor to another, and the consequence is you cannot get any record of the condition he was in.

The WITNESS: That is quite true.

Mr. McGIBBON: They never put the examination in the books?

The WITNESS: That is quite true. We have investigated and found out. They said they had no records, yet afterwards through the efforts of the Legion and others, we have found that there was an old record turned up which the doctor could not locate at the time.

By Mr. Ross (Kingston):

Q. Let us keep to the military record, to show how unfair this is, to take a man's military record—supposing a man reaches the front line, his military record begins, as far as you are concerned, as far as his record is concerned—
—A. In the Militia department.

Q. In the casualty clearing station?—A. No, we have his enlistment sheet—

Q. But starting back he is in the front line, and the first record you could get of that man would be in a field ambulance—
—A. No, we get his record from the day he enlists, when he leaves Canada, the boat he goes over on, when he goes to France, and so on.

Q. What I am trying to get at is this, doctor: A man might be sick in the front line, and report a hundred times, and yet no record is kept of it?—A. That is right.

Q. No books were kept, and no man could keep a record, and the first booking of it would be in a field ambulance or an advanced dressing station, and then he gets to the main dressing station. Now, there is the first record that that man can have, nothing preceding.—A. You mean after he goes to France.

Q. Yes, after he goes to France?—A. Yes.

Q. Now, then, that is one instance where it is most difficult for the man to be able to show his medical record, because his medical record does not show anything. All that is wiped out, yet the man might have been sick one hundred times?—A. In France, yes, that is right.

Q. If he did not show a temperature of 102 he would be sent back to the line; he might be sent to a rest station and be kept there?—A. Yes.

Q. What about prisoners of war?—A. We have practically no records. I think I have only seen four or five from the German hospitals.

Q. And yet you have some men at the present time who cannot prove anything. They are sick, they are disabled, and a man is left there because he has been a prisoner of war, is not that true?—A. It is true that we have no records.

By Mr. Thorson:

Q. Have we no access to the German records?—A. They kept very poor records in the early days. As I say, I have seen only four or five.

Mr. THORSON: I know we kept very good records for the German prisoners.

By Mr. Ross (Kingston):

Q. There you have thousands of men to-day who cannot begin to prove anything, having no record of their disability. Has any attempt been made

to put in any routine system that would enable these men to get justice?—
A. Yes, we have written to the British government, trying to see if some more complete documentation could not be obtained in those cases.

By Hon. Mr. Manion:

Q. Suppose a man's record shows that one year after discharge he began having ulcers of the stomach, and it continues; he has not got a pension and he gradually claims a pension for that. The only record you would have would be, at least, if he could prove that a year afterwards he had this trouble; that would be the only thing he could prove to you; remember he has nothing on his medical history sheet at all; what chance would he have?—A. A very fair chance.

By the Chairman:

Q. I have heard it said thousands of times throughout the country that the medical history sheet of the man during his service in the army is the document on which the Board of Pension Commissioners base themselves in rendering a decision for pension. I should like to ask, you, doctor, if that is so. I believe it not to be so, but I want that definitely stated.—A. I have not got your point exactly.

Q. It is said throughout the country—I have heard it, I do not know how many times—that this whole trouble arises out of the fact that the Board of Pension Commissioners takes as evidence only the medical history sheet of the man during his service, and do not take into consideration any other circumstances.—A. Oh, that is absolutely incorrect.

Q. That is incorrect?—A. Absolutely incorrect. Thousands of cases have been admitted with absolutely no mention of the condition on their documents.

Q. Now, there is another question along the same lines. People have been saying—and I have heard it, we have all heard it—that the reason a man is refused pension is because he was discharged fit and it is urged that so many people were in a hurry to get their documents that they did not care whether they had a proper examination or not.

Hon. Mr. MANION: Which is no doubt true.

By the Chairman:

Q. Do you go beyond his medical certificate on discharge in order to give him a chance to show that he is entitled to pension?—A. The medical certificate on discharge in no way affects his case for claim.

By Mr. McGibbon:

Q. Have you read Colonel Bruce's report of the records as they were kept by the army?—A. I have.

Q. Do you agree with it?—A. Yes, they were poor.

Q. They were rotten, according to his report. Now, then, predicated on that fact, that the records were not properly kept—what I am trying to get at is this—and what I think we all want to know—what is your idea about a solution to this problem, because it all hinges on the man's inability to prove his claim? Could you give us any light on that?—A. Yes, I think the solution was pretty well touched on here to-day. The proportion of these cases is a very important thing.

Q. But how are you going to prove them if there is no evidence on which to prove them?—A. It is remarkable the amount of evidence that can be dug up. It is amazing how many cases have been admitted to pension by careful, persistent digging up of evidence, thousands of them.

Q. Take, for example, a case of insanity; a man goes insane five or ten years after the war. How do you deal with that? There is no history before the war, or during the war. How do you handle those cases?—A. Just the same as the others. You must realize that it is impossible for the board to go out and investigate so many cases per day, and we are depending on the way they are presented to us.

Q. There is no evidence in existence, and yet there is not a person but what would at least say the probability was that war service contributed to it, because the instances of insanity among soldiers are so much greater than in private life.

The CHAIRMAN: Colonel LaFleche has asked me to add to that: by getting a specialist's opinion to the effect that this man's insanity is due to war service what does the board do.

By Mr. Thorson:

Q. In the absence of any other evidence?—A. Well, it would depend.

Dr. McGIBBON: I am not criticizing.

The WITNESS: It would depend entirely on the case. I cannot tell in any specific case. Time does enter into this thing. If he developed it within a year or two years after the war that would be a factor, but if you get it coming on five or seven years after, it is different. You have to know your specific case.

By Mr. McGibbon:

Q. But there is no history of insanity in the man's family?—A. My own personal opinion would be that if a man developed insanity five years after discharge, with nothing on his documents, no history of continuity since discharge, it would be a post-discharge condition.

Q. And you do not think that all the hell that he went through, being under shell fire, shrapnel and machine gun fire, living in trenches and dug-outs, sleeping in a firing trench, would be a contributing cause?—A. The point comes up, how long would that go on.

Q. A man has only got so much nervous energy. If you take out of that as much in four years as ordinary private life would take in forty, is it not a sound presumption that his war service was at least contributory, and would be when you take into consideration the higher instances of insanity in soldiers than in private life.—A. I do not know, doctor, it is medical opinion, you know.

By Mr. MacLaren:

Q. Are the reports of the investigators sworn statements.—A. No.

Q. Have you any means of checking up the accuracy of the investigators' reports, or the truth of them.—A. Sometimes they are disputed. We send another man to check them up very often.

Q. Who disputes them?—A. The applicants and their agents.

Q. Well, do the applicants see those reports?—A. They do not see the reports, no, but we tell them why they are not getting a pension and they dispute it.

Q. Do they get the reasons in writing, the reasons for being refused pension?—A. Take a dependent father or mother, the investigator goes and reports on their assets.

Q. Take the case of a pensioner, of a dependent, a returned man, for instance. The report comes in from the investigator, it is not sworn to, and the applicant does not see the statement. Do you accept it?—A. Is this entitlement you are trying to get at? I have to know just what the applicant wants in order to give you an intelligent answer.

Q. Well, he is making an application for pension.—A. Well, say we are investigating some doctor's treatment of him, and the investigator says the doctor has no record although he says he treated him, and the decision of the board says that it is post-discharge—

Q. The point I am trying to make is this: First of all, it is neither a sworn statement nor is it a statement that is shown to the applicant so that he may challenge it or otherwise?—A. No, he has no access to it. The investigator may go to the doctor who gives the certificate in the case, and the applicant may not be there at all, and he only learns after, when he has been refused, that it was because the doctor's certificate was not as stated, or something like that.

By Mr. Black (Yukon):

Q. When a man applies for pension, and his application is refused, does the board tell him wherein his application is lacking? Does any official of the board write him and tell him wherein his application is deficient and advise him what to do?—A. In certain cases, yes.

By Mr. Thorson:

Q. But not as a general rule?—A. Dependent cases are all told, I think, why they are not getting pension.

Mr. ROSS (*Kingston*): Only where it is pre-war or post-discharge.

The CHAIRMAN: The doctor is talking now of dependent cases.

By Mr. Black (Yukon):

Q. Take an applicant for pension. He has a disability, and feels he should be pensioned, and applies for pension. The board does not agree with him. Do you tell him what to do in order to strengthen his application?—A. No.

By Hon. Mr. Manion:

Q. You simply tell him it is post-discharge?—A. Exactly, and he has a right to appeal.

Mr. ROSS (*Kingston*): He has no way of knowing how to go about affecting that appeal.

By Mr. Thorson:

Q. You do not advise him, for example, that the evidence is incomplete?—A. The letter may say there is insufficient evidence for the board on which to grant pension.

Q. Does the board give a decision of that sort—insufficient evidence?—A. Letters go out sometimes. I have seen plenty of letters go out from the board saying "After full consideration of your case the board has decided that it is a post-discharge case."

By Mr. McGibbon:

Q. Is it not a fact that this job is too big for three men?—A. That is a matter of policy on which I should not like to express an opinion.

By Mr. Thorson:

Q. Were not those precis available for a long time to the soldiers' advisers?—A. They were left on the file for a while.

Q. Until when?—A. They have been off now for a great many years, probably four or five years, I cannot remember the exact date.

Q. So the policy of taking them off the files is about four or five years old?—A. Yes. I think they remained on the file for a year or something like that after they started to make them.

Q. Then why were these precis taken off the files?—A. It happened this way, the appeals were on, and the files came up on appeal, and the soldiers' advisers said that the pension board had misrepresented the case on this synopsis. They were constantly being criticized. You can take any synopsis on the file, and say it is not complete. They have left the most important thing off.

Q. You said that all these applications came before a quorum of the board. What does a quorum consist of?—A. Two.

Q. There are always two commissioners present when a decision is granted?—A. Two commissioners must sign every decision.

By Mr. Adshead:

Q. It has been brought out by Dr. McGibbon that if a man was sick in a dug-out, or as a prisoner of war, there is no record kept, except sometimes a field ambulance record. Supposing a pensioner makes a statement to you, an applicant for pension, that he was sick in a certain dug-out at a certain time, would you accept that man's evidence?—A. Yes, we would accept his evidence, but I cannot tell just what weight would be given to it.

Q. You would not accept it as true in all cases?—A. If what he now had was rheumatism, and he said he was sick with something else, or, if he said he had rheumatism now and that he was sick with rheumatism in a dug-out, why, he might not get entitlement on that statement.

Q. Why?—A. Because it is not corroborated.

Q. But if that man was in a court and swore to it, the court would accept his evidence as being true.

Hon. Mr. MANION: That is what it amounts to.

Mr. ADSHEAD: Yes, exactly. His sworn statement in court would be taken as true unless someone proved it was not true.

Mr. MCGIBBON: If we had passed everybody back who reported sick there would not have been a battalion in the line. We had to keep men there.

Mr. ADSHEAD: All those things might be the basis of his trouble then.

By Mr. McPherson:

Q. If a man swore that he was in a dug-out, and was treated by Dr. so and so, would not the medical records show that Dr. so and so was there, and therefore be corroborative evidence?—A. If a man makes a statement like that the documents are looked up. If we find out he was not with that regiment, or if we find that he was in that dug-out at that time, and was ill, it might have some relation—

By Mr. Adshead:

Q. You want the proof that he was there?—A. If that would establish entitlement, that would be very important.

By Mr. Thorson:

Q. As a general rule, the Board of Pension Commissioners do not consider it their duty to institute inquiries as to the attributability of disability to war service?—A. No.

By Mr. McPherson:

Q. As I understand it, you, as medical officer, have all the files of the soldier before you when you consider his case?—A. All of them.

Q. Medical, military and everything else?—A. Yes.

Q. Based on that, you make a precis, which you attach to that file for the board?—A. Yes.

Q. On that precis, you either recommend a pension or disallowance, from your standpoint?—A. No, not in all cases.

Q. You make the precis. That file is then handed to the board, among the numerous applications that come up every day, and they decide whether he is entitled to a pension or not. Is that by reading your precis alone, or do you read it jointly on whatever evidence you like to look up in the file before them, is that correct?—A. Very often they take the file away with them and keep it a week.

Q. So that if they decide on your precis only, then the medical doctor reporting on it is really the man who gives the decision?—A. Not necessarily.

Q. Well, if they decide on your precis.—A. The medical doctor may have no recommendation on it at all.

Q. I am saying if they decide on your precis, without going through the file at all, then your summing up of the case is the decision practically as to whether a man receives pension or not.—A. There may be no summing up whatever.

Q. Put it this way then, the evidence that you accumulate in your precis—A. Exactly.

Q. —is accepted by them as being the whole story.—A. That is their responsibility.

Q. Yes, but they decide it upon your summing up.—A. They do, and they take the responsibility of that.

Q. Now, if they put through one in three minutes, or one in five minutes, are we not justified in assuming that they decide sixty per cent of the cases on the precis alone?—A. Well, I think I have tried to explain very carefully how these are decided.

Q. I am not criticizing, but I say are we not fair in assuming that they must decide sixty per cent on the precis alone?—A. One might be decided in a second.

Q. On the precis alone?—A. That is perfectly true.

Mr. THORSON: I think that has been abundantly established.

Mr. SPEAKMAN: I understood Dr. Kee to state that that synopsis, on which in many cases the decision is based, is not available to the soldiers' adviser because it is so incomplete as to be at times misleading, and that is why it is not at the disposal of the soldiers' adviser. I need not follow it up with another question, because the answer would be obvious.

Mr. MCPHERSON: I also wish to say that I have never had a case brought to my personal attention where the proportion was anything like what it should be in the original application, and I think personally that that is the big trouble in so many applications.

By Mr. Speakman:

Q. I will put it in the form of a question, and Dr. Kee, I think, will confirm what he previously stated, that this synopsis is not placed at the disposal of the soldiers' adviser, because it is so incomplete, or might be so misleading; that was the statement made, was it not?—A. If it is taken to represent the whole file, it might be misleading.

Q. Even though, as has been stated, a large percentage of the cases at least are decided on the perusal of the synopsis alone without reference to the other documents, and that synopsis is of a character that might be misleading to the soldiers' adviser; then I think the answer is obvious, that in many cases the decision is given on incomplete or improper evidence. I am not offering that as a criticism now, because I say it is physically impossible, with our present machinery, to give the proper attention to a case, even if it is well

prepared. But that seems to me to be the crux of the whole situation, as I followed the discussion this morning, and as borne out by my own experience in many cases.

By Mr. Ross (Kingston):

Q. What I was trying to get at was this, the tremendous number of cases upon which it is absolutely impossible to comply with the requirements of the Board of Pension Commissioners. First, all those cases that were in the front line and of which you have no record until they reach the first casualty clearing station. It was not the duty of a battalion medical officer to diagnose a man's case. He simply stated whether the man was fit to carry on or not, and if in his opinion the man was fit to carry on he was sent back to duty. Secondly, there were thousands of cases where men were taken prisoners of war, and I have not yet found what procedure the Board of Pension Commissioners will follow in order to help those men in proving their cases. Of course, I admit it is not their duty to help, but I think it should be. Here are thousands of men of whom we cannot get any record. Dr. Manion gave an illustration of a man with a gastric ulcer which began from what we would say poor and improper food during that time, and yet there is no record of that.

Hon. Mr. MANION: He might have it in the line without even being a prisoner of war. He may have reported sick repeatedly.

Mr. Ross (*Kingston*): But as prisoners of war we have no record. Then we have the forestry corps, which went to France, and there again we can get no record, because there was no medical hospital, and the only thing we can depend on is if the medical officer of that unit kept the record before they were put in touch with hospitals. Then there is the railway corps, passing from one army to the other, in which it is almost impossible to keep a record. For instance, they do not remember the particular British unit they were under or the army area they were in. Here we have all these men for whom it is absolutely impossible to get any record. They are unable to prove their cases, and I should like to know in what way the Board of Pension Commissioners can suggest assistance to those men. You and you alone can do it.

The WITNESS: It is difficult, is it not?

Q. It is most difficult, but at the same time we cannot let those men go on year after year and do nothing.—A. I may say that when a man has been a prisoner of war the commissioners take that very carefully into consideration, and in a great many cases the men have submitted affidavits from some of their friends who were prisoners of war at the same time, and have established entitlement.

Q. I know, but a good many of them you turned down with sworn statements, and I should like to know why. Is it because you secured evidence (that that man's oath is no good, or his declaration is no good?—A. I do not know, sir.

By Mr. Adshead:

Q. Does it not amount to this, that you put the onus of proof on the soldier himself?—A. That is quite right.

The CHAIRMAN: Are there any other questions to be asked of Dr. Kee? If not, let us proceed to the next item.

Mr. HALE: I want, Mr. Chairman, to make a statement to clear up the points raised in the discussion yesterday in regard to the medical examination; it is very brief, but I think it should go into record. With reference to the matter of the examination of tuberculosis and other cases by specialists, following the statement of Dr. Kee yesterday, I want to make it perfectly clear that I did not

want to leave the impression that these cases were not considered by such specialists at the request of the Board of Pension Commissioners. It is very true that the Board very often have referred such cases to specialists and have been generous in this respect. However, the case which was quoted yesterday brings out the particular point we are trying to make. This man was sent to a board of specialists for examination, which is quite entirely different to the file being sent to a specialist for his opinion. As a result of their examination and careful study of his case, all the facts were brought out medically, and the Board was thus assisted in arriving at a correct decision in the case.

Think of a man living in an isolated community, and I may say that in the majority of these cases they have no funds, and it is impossible for such a man to secure the benefit of a medical specialist's opinion at all. In most cases where he has money to pay for same, or some organization provides for the examination, we have found by experience that the procedure is assisted very materially in settling the case.

In these cases where there exists a preponderance of doubt, why should not the man receive the benefit of a specialist's medical opinion, particularly where the evidence which has been submitted has not been considered sufficient? That is the point we are trying to make, gentlemen, and we feel very deeply about this matter, particularly in cases of tuberculosis. We do not think that any man who submits evidence which is, some of it, uncorroborated, yet in the opinion of his medical advisers and some specialists his condition is related to service, should be refused pension without being submitted to an examination at a duly recommended sanatorium or a properly qualified clinic where there are specialists to examine him, and where full information will be made available in order that the Board may correctly decide his case.

Mr. McGIBBON: Is that not done, Dr. Kee?

Dr. KEE: No, it is not done in any disease. The man before he has entitlement is not put into hospital for examination.

Mr. McGIBBON: Why did you reverse the decision of Parliament in that regard? We decided in 1920 that that would be done.

Dr. KEE: Yes, that was done at that time to clear up a lot of diagnoses which you mentioned at that time?

Mr. McGIBBON: That was done at that time?

Dr. KEE: That was one or two years after discharge, and this is ten years.

Mr. McGIBBON: The Government of Canada, I think, put about \$50,000 into that institution for that purpose?

Dr. KEE: Yes, at that time.

Mr. McGIBBON: They still have that interest?

Dr. KEE: I think not. Doctor Miller is here and could tell us.

Mr. HALE: Mr. Chairman, that is our point. There is machinery available, and there are sanatoria throughout the whole country to which these men could be sent and where they could be examined.

Dr. KEE: Of course that relates to a man who comes in with any kind of a disease, and he should have the same right to go to an institution and to be kept there and be examined and the opinions of specialists given in regard to his condition and its relation to service.

Mr. McGIBBON: The point is that Parliament agreed to that line of procedure, and why was it disbanded?

Dr. KEE: It was not exactly the line of procedure which Mr. Hale is suggesting. It was for a number of cases which it was difficult to diagnose at that time.

Mr. McGIBBON: I laid the question before the Committee at that time, and it was approved of by the House, and the Government put money into that institution for that purpose.

Dr. KEE: That is right.

Mr. McGIBBON: Why did they disband it?

Dr. KEE: I think your resolution at that time was with regard to cases which it was difficult to diagnose.

Mr. McGIBBON: That is his point.

Dr. KEE: No, it refers to all cases.

Mr. McGIBBON: But did you not say that there was doubt as to the diagnosis of tuberculosis, Mr. Hale? I understood you to say that.

Mr. HALE: No, not exactly, but I mean as to the full extent of his condition.

Mr. McGIBBON: If he has been properly diagnosed, why do you want to send him back?

Mr. HALE: You may have a case where the ordinary practitioner may have said, "This man is suffering from pulmonary trouble, and I strongly suspect tuberculosis," and we want that cleared up.

Mr. McGIBBON: That was not properly diagnosed.

Mr. HALE: Yes.

Dr. MILLAR: Cases do pass through the treatment office in large numbers where the Pensions Board sent the patient into hospital for observation, and the Department has established a special diagnostic hospital in Toronto, where all disputed cases about diagnosis are referred for finality.

Dr. KEE: Yes, not only tuberculosis but any disease. But Mr. Hale brings up the point that all cases, before considering them, should be sent.

Mr. McGIBBON: Where a man is in doubt.

Dr. MILLAR: We have a very extensive diagnostic chest clinic in Toronto, and the question of whether a man has tuberculosis or not is decided there.

Mr. McGIBBON: Mr. Hale's point is not well taken, then?

Dr. MILLAR: No, I think not. And so far as Calydor is concerned, we still send cases to Calydor; and one reason many do not go there is that it is far from large centres where complicated cases may be treated.

Mr. McGIBBON: That was not the object which the government undertook when they made arrangements for Calydor—it was for diagnosis and not for treatment.

Dr. MILLAR: Dr. Paul Caulfield is at the head of the chest clinic in Toronto, and he has a corps of specialists with him, Dr. McIntyre, Dr. Ogden and Dr. Anglin.

Mr. McGIBBON: If this gentleman's case is not well taken, it falls down. If it is well taken, these cases of doubtful diagnosis are not sent to the proper places.

Dr. MILLAR: Dr. Kee is quite right. We do not take a man in until his eligibility for a certain disease is conceded by the Board.

Mr. McGIBBON: What do you mean by that?

Dr. MILLAR: If a man has some chest condition, say bronchitis, and he has an eligibility for bronchitis, and some doctor says, "This is not bronchitis, this is tuberculosis that he has," then the Department clears up that point.

Mr. McGIBBON: By what procedure?

Dr. MILLAR: The Pensions Board will ask to have that man brought into a departmental hospital for the clearing up of the diagnosis.

Mr. McPHERSON: I would understand that his case is one where eligibility has not been conceded.

Mr. McGIBBON: He particularly said that the diagnosis was not definite.

Mr. McPHERSON: It would not come under Dr. Millar's statement. The case comes up, and the outside doctor says, "This is tuberculosis," and there is a dispute between the doctors over it; then until he gets on the pension list there is no way to clear that up.

Mr. HALE: That is the point we are trying to make.

Mr. McPHERSON: There should be some system by which a dispute between the Pension doctors and the man's doctors could be cleared up by a careful diagnosis.

Mr. HALE: We get hundreds of applications from men in all different parts of the country; they send in a statement that he is suffering from chronic bronchitis, and the doctor thinks it may be tuberculosis; but he has not the x-ray machinery and other machinery necessary to arrive at a proper diagnosis. We feel that that man should be admitted to some recognized sanatorium where not only will the diagnosis be made but the whole history of the case may be taken, and the chest specialist there will express an opinion as to the character of same, and the possible duration of same, and its relationship to service.

Mr. McPHERSON: In other words, you want him to have the same treatment as the man on the pension list would get?

Mr. HALE: Yes, we believe that the Board of Pension Commissioners cannot give a proper decision unless they have complete information on the man's case. The men on the Board may say that he is suffering from bronchitis, and the Board would be quite justified in saying that it was not related to service, but if you have a man with a far advanced condition, with all evidence of chronicity, and yet he would be refused, we think these cases should be carefully examined before a decision is given.

Mr. McGIBBON: In other words you think a proper diagnosis should be made?

Mr. HALE: Yes, that is my point.

Mr. ILSLEY: You want to revise the decision of the Board?

Mr. HALE: Yes, that is one thing.

The CHAIRMAN: Mr. Spencer wants to ask Dr. Kee a few questions.

Mr. SPENCER: Dr. Kee, new applications in January were 1,105, and the total applications were 1,608.

Dr. KEE: Injury and disease alone.

Mr. SPENCER: So that the applications coming up for second hearing would be 503?

Dr. KEE: No, the new men applying were 1,105.

Mr. SPENCER: In the light of that total of 1,668, 418 were admitted and 1,240 were rejected?

Dr. KEE: Yes.

Mr. SPENCER: It is apparent that there was a very large proportion of those cases before the Board in the month of January which were coming up for a second hearing?

Dr. KEE: The number coming up for second hearing was 320.

Mr. SPENCER: Twenty per cent of the hearings for the month?

Dr. KEE: Those were in addition.

Mr. SPENCER: 1,668 being the cases reviewed for injury and disease in that month?

Dr. KEE: No, 1,890.

Mr. SPENCER: Taking the total for the month, all conditions, there were 1,890 in the one month?

Dr. KEE: Yes.

Mr. SPENCER: Of that number, how many does your total show were applications coming up for second hearing?

Dr. KEE: 320.

Mr. SPENCER: And of the total of 1,890, how many were admitted?

Dr. KEE: You see that takes in deaths, and increased assessment and helplessness allowances.

Mr. SPENCER: What proportion of the applications for injury and disease during the average month would be applications being reheard or on new evidence?

Dr. KEE: Probably 20 per cent.

Mr. SPENCER: Of the average decisions made in the month, how many were given pension?

Dr. KEE: About 20 or 25 per cent in that month.

Mr. SPENCER: Then it is apparent from these applications which come up for the second hearing that there was dissatisfaction over the first hearing from the point of view of lack of preparation?

Dr. KEE: Yes, I suppose so. There is always dissatisfaction. Each case that is rejected is a dissatisfied man.

Mr. SPENCER: But is it apparent that they were rejected on the ground of lack of preparation, from your file?

The CHAIRMAN: I do not think I ever saw a soldier whose application was not granted because he did not prepare it properly—it may have been from lack of evidence.

Mr. SPENCER: The Board assists in the gathering of evidence?

The CHAIRMAN: There is no system by which the Board could assist in the preparation of applications.

Mr. SPENCER: The point I was making was that the applicant might feel that he was receiving assistance in the preparation of his case, as throwing some light upon the attitude of the man in regard to the treatment he was receiving in the lack of proper preparation. I leave that thought with the Committee.

The CHAIRMAN: I believe Captain Gilman would like to make a statement of about two lines before one o'clock.

Captain GILMAN: On behalf of the Tubercular Veterans' Association, I desire to state as my opinion that unless action is taken by this Committee along the lines of our recommendation, no change in personnel of Pension Boards or the creation of new machinery or new boards will materially alter the situation—

Mr. MCGIBBON: I object to that, Mr. Chairman.

Captain GILMAN: The effect is this, that if these recommendations are not given us in the law, we are afraid we will be forced to come back to Parliament for relief on these matters again. That is just my point.

Mr. THORSON: We understand that.

The CHAIRMAN: I am of belief that we will have eventually to give pensions to everybody.

Mr. THORSON: I move that we sit this afternoon.

Mr. ILSLEY: At what hour?

The CHAIRMAN: Four o'clock is the usual time.

Mr. McLEAN (*Melfort*): I would rather listen to witnesses from a distance who are here now and might get through and get away home.

Colonel LAFLECHE: We desire very much, Mr. Chairman, to complete our recommendations for amendments to the Pensions Act as quickly as we can.

Mr. McLEAN (*Melfort*): We can listen to Dr. Kee at any time, because he is always here, whereas we might now listen to witnesses who have come from a distance.

The CHAIRMAN: What phase does the Legion want to bring up this afternoon?

Colonel LAFLECHE: There are two more points to be put forward on tuberculosis, and then Mr. Bowler will probably come on and nearly finish on all the other points.

Mr. THORSON: I suggest that we concentrate on this and sit as often as possible in order to give the representatives of the various organizations an opportunity to finish their presentation.

Mr. McLEAN: You mean the witnesses who are not resident in Ottawa?

Mr. THORSON: Yes.

The CHAIRMAN: The Committee is adjourned.

The Committee adjourned until 4 p.m.

AFTER RECESS

The Committee resumed at 4 p.m.

RICHARD HALE recalled.

The WITNESS: Mr. Chairman, the question I wish to place before the Committee is recommendation No. 17 of the proposals of the organized soldier bodies. It has reference to the housing of tuberculous pensioners. The recommendation is: —

That, in view of the difficulty experienced by Tuberculous pensioners who are maintaining a home, in securing and retaining suitable houses, it is requested that Section 24, subsection 3 of The Pension Act be amended so as to provide a special allowance of \$20 per month being paid when, during the treatment of such pensioner, the presence of tubercle bacilli has been discovered in the sputum, or it has been proved that the disease is moderately advanced and clinically active, to enable such pensioner to meet the extraordinary expense for which his pensionable disability is responsible.

This request is made because of the extraordinary difficulty experienced by pensioners for tuberculosis securing suitable houses in which to reside. It must be borne in mind that while under treatment in sanatorium, a case of tuberculosis has very definite instructions given to him regarding the manner in which he must live following his discharge from treatment. A case of tuberculosis which has been arrested, or in which the disease has been brought into a quiescent condition, cannot remain as such unless on resuming his life at home, there exists such accommodation as will insure adequate ventilation, while it is also vitally necessary for the sake of his family that there is sufficient room available to reduce the possibility of the infection being transmitted particularly in the case of children.

The need for special housing in respect to ex-service men suffering from tuberculosis was recognized by the Ralston Royal Commission, and a definite recommendation made by them which has never been carried out. This is very fully explained in the proceedings of the committee on Pensions and Returned Soldiers' Problems in 1928. (See PP. 121, 122-127 to 137.)

Mr. McGIBBON: We have had this thing up, over and over again. He is just referring to it now. That is, the same as has been said here for ten years, the very same evidence. Is it necessary to hold a brief on all those things? What we want is a solution, not a brief showing that it exists.

The WITNESS: Our recommendations, doctor, are recommendations for relieving the trouble.

Dr. McGIBBON: You just started to quote from the evidence we heard two years ago. Why is it necessary to repeat all these arguments?

The CHAIRMAN: You made a concrete suggestion, did you not? I do not think it is necessary to repeat the argument, so far as I am concerned. I have heard it over and over again, as Dr. McGibbon has said, for the last ten or twelve years. If you will simply tell us that this is something that was placed before the pension committee of other years, I think that will be sufficient for us.

Mr. McGIBBON: We have heard it half a dozen times.

The WITNESS: That is quite satisfactory. I should just like to say that Mr. Scammell might perhaps later be called to give you particular information which he has, because many of these men apply to him for relief, and he will have available information on the question.

The next suggestion is No. 18. It has to do with special nursing allowance:

That pensioners not in hospital shown to require nursing care necessitated by pensionable injury or disease be provided with same by the Department or, in lieu thereof, that such pensioners be granted a special allowance sufficient for this purpose.

The CHAIRMAN: Is that new?

The WITNESS: That is new, yes.

Mr. McGIBBON: Now we will hear your argument in favour of that, if it is new.

The WITNESS: The argument is very short.

This proposal is designed to save the country expense, as, if such a pensioner were admitted to hospital every time he required nursing care, it would mean the cost of hospital treatment plus Departmental compensation, in lieu of pension.

In cases of Pulmonary Tuberculosis, particularly of a far advanced type, the pensioner spends a large amount of his time in bed, thus requiring nursing care.

There are acute periods, when the disease is very active, causing high temperature, rapid pulsation, and many other distressing features. It is quite impossible for the pensioner's wife to carry on regular household duties and give him the nursing care required, as these periods are often prolonged. Usually, it means that nursing assistance has to be obtained.

There are other diseases of a similar character, where the pensioner may be confined strictly to bed for a short period, but during this period, fully competent nursing is essential.

We desire it to be clearly understood that it is left entirely to the discretion of the Department of Pensions and National Health as to whether a nurse is provided by them or a suitable nursing allowance authorized.

By the Chairman:

Q. That is under the Department of Pensions and National Health?—A. Yes. That completes our presentation, Mr. Chairman.

JOHN R. BOWLER recalled.

The WITNESS: The first proposal, Mr. Chairman, is No. 9 on the list. It has to do with section 27 of the Pension Act. The proposal is:

That section 27 of the Pension Act be amended so as to provide for payment of pension in accordance with the extent of the disability shown to have existed during the post-discharge period.

This also, sir, is a recommendation which was brought forward and discussed in 1928. The references in the 1928 proceedings are page 17 et seq. and page 428 et seq. I do not wish to embark upon a long discussion, but I think it should be pointed out that there was perhaps some misrepresentation as a result of the 1928 deliberations as to what we intend by this resolution. There was a suggestion that we were asking that when a man is now awarded a pension he should automatically be pensioned at the same rate to date of discharge. That is not our intention. We simply ask that where a man is now awarded a pension that an estimate of his disability since discharge be made, and that an adjustment be made on that basis.

I also want to refer briefly to the inequalities which arise under the legislation as it stands at present. It is possible for two men with equal service, equal disability, to apply at the same time, and in the case of one man an adjustment will be made to date of discharge, and in the case of the other he will only get pension for six months prior to date of application. If that is the fact, legislation is required to change it.

I should also point out that if it is found advisable to leave a limitation in the statute, as at present, namely, six months prior to date of application, then we consider that six months is hardly sufficient compensation for a disability which may have existed over a period of many years. That is all I have to say on that point.

No. 12. Section 51, subsection 5. The recommendation of the organized soldier bodies is that section 51, subsection 5 of the Pension Act be amended by the deletion of the words:

before the 31st day of December, A.D. 1928, or within one year of the date of the decision of the date of the board upholding a refusal of pension by the commission.

The explanation is as follows, that in the case of a man having his appeal disallowed by the Federal Appeal Board, there is a provision in the section referred to whereby he may reopen his case provided he produces new and material evidence within one year from the date of the appeal board decision.

We have found a considerable number of cases, and I have found it in my soldier adviser experience, where it has not been possible for a man to obtain the evidence within the stipulated period of a year.

Our recommendation is that at whatever time a man is able to produce the evidence necessary to establish his claim then no statutory bar ought to prevent him. That is all I have to say on that.

The next is No. 13. Section 51 of the Pension Act:

That section 51 of the Pension Act be amended so as to provide that an appeal shall lie in respect of any refusal of pension by the commission, and that facilities be specially granted to provide an appeal against any decision of the commission under section 11 (b), section 12, section 32, section 33, section 34 or section 39 of the Pension Act.

In view of the fact that provision is included in the proposal introduced by the chairman for an appeal against any decision, it is not necessary for me to labour this point at this time. I should perhaps say that the subject was discussed in 1928, and the debate is to be found on page 224 et seq., 237 et seq. and 466 et seq. At the present time, no provision for appeal exists in regard to decisions on assessment, decisions on the ground of misconduct, decisions where pension is discontinued for alleged immorality, or decisions in respect to parents of dependents, and that these constitute a very large class. I might also refer to the fact that the Ralston report contains a recommendation corresponding to the one which we now submit to you.

Recommendation No. 14: Section 51, subsection (1). That provision be made that cases coming within the intent of, and decided prior to the 1928 amendment to section 51, subsection 1 of the Pension Act, with respect to medical classification be reopened.

This recommendation has to do with disputes as to diagnosis between the Board of Pension Commissioners and the Federal Appeal Board. It will be remembered that in 1928, upon the request of this committee an amendment was passed providing a procedure whereby such disputes should be settled. That amendment has operated successfully, as we have found it, but it was not made retroactive, with the result that cases in dispute prior to the passing of the amendment, still remain unsettled.

Mr. McGIBBON: Are there very many?

The WITNESS: There are six or seven.

The CHAIRMAN: The members of the committee will remember that case two years ago that we spent two or three days considering. Well, it is in the same position now as then, because we neglected to provide for it.

The WITNESS: I should point out that recommendations are pending whereby these cases are to go before the Exchequer Court. It may be that the findings may obviate the necessity of any further amendment, but if the reverse is the case we see no other way of dealing with them other than making the amendment retroactive.

Sir EUGENE Fiset: Is it before the Exchêquer Court now?

The WITNESS: The proceedings are being instituted and it is expected that the case will be before the Exchequer Court very soon.

Sir EUGENE Fiset: You have not the exact amendments prepared?

The WITNESS: No.

F. L. BARROW recalled.

Recommendation No. 19: Refund of Medical Expenses. That section (8) of clause 2 of the regulations of the Department of Pensions and National Health (O. in C. P.C. 1842 dated 18-10-26) be amended to provide that reimbursement at Departmental rates of expenses incurred in connection with treatment obtained privately together with compensation covering the period of such treatment shall be payable where entitlement in respect of the injury or disease for which the treatment was given has been or may be admitted by the commission, provided only that the treatment was undertaken prior to the date of the said decision of the commission.

This resolution refers to reimbursement of expenses where a man consulted a private physician. At the present time the regulations of the Department are restricted to payment of expenses incurred for treatment over the period when pension is actually in effect. There are a series of dates here which the committee should understand. There is the date of discharge, date of application,

the effective date of pension, and the date of the Board's decision. When the Board gives a decision admitting injury or disease as related to service, the man puts in his doctor's bills. If those bills refer to a date later than the effective date of his award, he is given reimbursement.

Mr. McGIBBON: Do you mean later or earlier?

The WITNESS: Later than the effective date of the award. I have a plan here showing the date of discharge, date of application, effective date of the award, and the effective date of the decision. In the case illustrated by this plan, when the Board came to the decision they gave a retroactive pension to 1926, because the date of application was 1922; at that time, 1922, the disability was nil or negligible.

Mr. THORSON: Entitlement being admitted as from 1922?

The WITNESS: Entitlement admitted as from 1922.

Mr. THORSON: Disability nil or negligible.

The WITNESS: Disability nil or negligible. Disability became assessable in 1926, the man had treatment in 1927, and he gets reimbursed because the pension was in effect. The man had treatment also in 1924, but he does not get pension for that because the Pension Board says they have not received the report on which disability was assessable. I have a letter with me which I think I should read into the record, as regards the Board's decision on entitlement. One decision covers pension as to entitlement and treatment. It will probably not be necessary for me to read this letter, the Board will corroborate that.

We are asking that reimbursement should be given for treatment here since the date of application, and also shall be given prior to date of application, but since the date of discharge for this reason that when entitlement is admitted the injury becomes one of service origin or service relationship. Therefore, he is entitled to treatment at government expense for that time, for that injury or disease. Furthermore, if the man had not sought private treatment at this early date; if he had not had treatment, he would have been put on his back and he would have received treatment earlier. However, on account of having had that treatment at his own expense, he has staved off date of application and thereby saved the country expense.

Sir EUGENE Fiset: Will that cover a complete review of each single case where pension has been granted, but where no medical treatment allowance has been made; is that what it means?

The WITNESS: It is not a question for the Pension Board; it is for the Department. Any man who has had private medical treatment could submit his account for reimbursement, but they will not be reimbursed at the rate charged, it is on the medical schedule.

Mr. ILSLEY: But you are asking compensation?

The WITNESS: Compensation—pay and allowance during period of treatment. That, I understand, will be paid if treatment is undertaken following date of application, but reimbursement is not.

Sir EUGENE Fiset: Notwithstanding the fact that the department had actually made the payment, the Board of Pension Commissioners will have to be consulted in every one of these cases.

The WITNESS: It will, but only in the cases where the Board of Pension Commissioners have admitted entitlement.

Mr. McGIBBON: What argument have you got, to go back to the time before the application; the man is not interested until he makes his application.

The WITNESS: There are two arguments in favour of that. First, he was actually getting treatment for a service condition, and, secondly, by getting that treatment he is putting off the date of application.

Mr. McGIBBON: If he was not interested in his own case, why should you do that for him?

The WITNESS: There are many such cases and there may be varied reasons.

Mr. SANDERSON: About how many cases are there?

The CHAIRMAN: Practically every pension case.

The WITNESS: Yes, practically every pension case.

The CHAIRMAN: This is what will result; the man will say, "I consulted my doctor and here is my bill," but the doctor, if he knows the government is going to pay the bill, will pad it. Then there will be the next thing, a man will say, "I have to have a nurse. I couldn't get a trained nurse and my wife acted and should be paid in order to provide that treatment for me." That is not an exaggerated case. Doctor Millar will tell you things like that happen in nearly every case brought before the department.

Doctor MILLAR: There is one claim that came in to-day, for nearly \$15,000. A man has made application through his sister in 1927—

Colonel LAFLECHE: The citing of very extreme cases can hardly be accepted as a true guide.

Mr. McGIBBON: Mr. Chairman, the first day you stressed the fact that we did not want a wide-open door in connection with these matters; now this is worse than what we were discussing at that time.

The CHAIRMAN: We are trying to look after the poor devil who wants to get a pension, but under this you are trying to give compensation.

Mr. ILSLEY: Do you think a man will know how long he is to be rated? Under this you are going to give him pay and allowance for a great many years.

The WITNESS: If they are on their backs, if a man has an operation he is reimbursed for that operation, but he may have only treatment in the majority of cases and the bills will not run over ten or fifteen dollars.

Mr. ILSLEY: You are going to give pay and allowance for eight or ten years?

The WITNESS: Quite so.

Mr. ILSLEY: What I am asking is: do you think that will be given in the man's statement? How long he is entitled?

The WITNESS: The man's statement will not be the same. It will be corroborated by the records in the book. It will be the statement of the doctor.

Mr. McPHERSON: If they cannot get the statement from the doctor—if there is a lack of records of the attendance and no fees from the doctor, they are unable to get reimbursement.

The WITNESS: If they cannot submit their bills they won't get it.

Mr. McPHERSON: Won't it strengthen their memory a lot if the government is going to pay the bill?

The WITNESS: I want to answer Dr. McGibbon's remark, why should we reimburse a man who has not made application? The application is often postponed for a worthy motive. The man may have thought in the early stages that the condition was not severe and could easily be treated once. He might then find that he required a series of treatments and still those men are in that position under the present law and are debarred from reimbursement. The man gets nothing whatever for the money paid by him for treatment of a service condition until pension is allowed.

Mr. McGIBBON: Why not antedate his pension?

The WITNESS: We have asked for that in a previous resolution.

Mr. ADSHEAD: Do you mean that if a man applies for a pension and it is proved that there has been medical expense paid by himself, he cannot get reimbursed for that expense?

The WITNESS: That is perfectly true.

Mr. MCGIBBON: Not after his application; this is considering it away before his application.

The WITNESS: Perhaps I have not made it quite clear.

Colonel THOMPSON: If a man making an application in 1920, is refused pension, then takes treatment at his own expense, say, 1928 or 1930, and he establishes his claim, and he is granted a pension, then the department will pay him his medical and other expenses all the way back to the date he made application, namely 1920, as I suggest.

Mr. MCGIBBON: This is considering the time previous to the date of his application.

Colonel THOMPSON: Yes, you can divide it in two parts.

The WITNESS: You can divide it in two parts, from the date of the application onwards, and from the date of the application backwards. Here is the anomaly: taking the date the application is admitted, here on the chart, they do not give the pension back to this date shown on the chart because they say there is no disability and so on, on the report. They do pension him where he gets treatment that shows he certainly had disability, but they don't pension him because it is a treatable condition, and again, after treatment his disability is negligible.

Mr. ILSLEY: The pension date is six months prior to the application now, in every case where it is awarded, is it not?

The WITNESS: No, because in many cases the date of application is a moveable date. In many cases it is back to the date of disability because the disabling injury is now admitted, but then the injury may be so slight that disability is negligible and they do not make an award.

Mr. THORSON: That is considering the application?

The WITNESS: When considering the application.

Mr. McLEAN (*Melfort*): What about treatment?

The WITNESS: He is not allowed reimbursement because at the time the disease was negligible.

Mr. MCGIBBON: You go away beyond when you say he has not any, or when his disease is negligible.

The WITNESS: That is the ironical part of the regulations because the regulations say you can only get reimbursement while the pension is in effect. The reason for no pension is that the disability is negligible.

Mr. MCGIBBON: You go away beyond that and say he is pensionable.

The WITNESS: Because he is pensionable for any disease of service origin.

Mr. MCGIBBON: How are you going to make a bill for six months, a year, or two or three years, and say the condition is negligible.

The WITNESS: In many cases he still has the condition but those bills are unpaid.

Mr. MCGIBBON: If his disease was negligible—

The WITNESS: Well, when he was treated the disease was not negligible; before that it was negligible.

Mr. MCGIBBON: According to your own chart your disease was a negligible disability.

The WITNESS: A negligible disability.

Mr. MCGIBBON: In spite of that, you propose to antedate that six months, a year, or two or three years. and ask for reimbursement for treatment for a disease that was negligible?

The WITNESS: The disability was not negligible when the disease was treated.

Mr. MCGIBBON: I am not talking about that.

The WITNESS: The disease was not negligible when it was being treated, but as a result of the treatment he paid for, his disability became nonassessable.

Mr. MCPHERSON: Which is ultimately pensionable?

The WITNESS: Quite so.

Mr. MCPHERSON: Supposing a man has erysipelas, and bronchitis running over a period of five or six years, and now he is put on the list of tubercular cases, how are you going to divide that up?

The WITNESS: For treatment of bronchitis?

Mr. MCPHERSON: Would the doctor treat him for bronchitis instead of erysipelas—the major disease?

Mr. THORSON: That would be an awful mixture.

The WITNESS: It would depend upon the evidence. The question is quite straightforward; the Pension Board would admit entitlement for some injury or disease and the point is, if he is entitled to treatment he should get reimbursement.

Mr. SPEAKMAN: Just while we are on that point, I think this is an extreme case, and it is going far, but I will reserve my remarks in that connection until later. I just want to point out the case of a man in Edmonton who made application for treatment and was refused. He went to a private doctor who operated on him, and as a result of the operation attributability was admitted. In other words, after the hospital treatment he was placed upon the strength because it showed the attributability of the complaint. The doctor who performed that operation, and upon whose treatment that man was taken on the strength, has not yet been paid. That doctor should have been paid because, as a result of the operation performed by him, the refusal was not justifiable in the light of the further evidence. I am bringing this forward to show that there are two extremes, and it may very well be that cases such as that which I have cited, might be considered.

The CHAIRMAN: Proposal No. 20, Medical Board Allowances.

Mr. BARROW: (Reading):

Medical Board Allowances

That Medical Board Allowances be payable to ex-service men undergoing Boards in all cases irrespective as to whether such ex-service men are employed or otherwise.

Further, that such allowance should be adequate to reasonably compensate for loss of time and expense incurred.

Sir EUGENE Fiset: What do you mean by the word "employed," in the Civil Service or permanent forces?

Mr. BARROW: Employed in any way. At present the man who is called in for examination is not reimbursed for loss of wages unless he produces a certificate from his employer, or affirms, and if he affirms the Department must be satisfied that the loss of wages was incurred.

The point involved here is the unemployed man. An unemployed man is not reimbursed for loss of time, and the point I wish to make is that his time is just as valuable in looking for a job as is the time of the man who is employed. He is in poor circumstances.

The CHAIRMAN: If you take a member of parliament who has to go to hospital, what about it?

Mr. BARROW: The second paragraph covers that point.

The CHAIRMAN: If he has to go to hospital as the result of war service and has to undergo treatment for six months, say, would you pay him upon the basis of his employment here, or as a doctor, at \$25 a day?

Mr. BARROW: That is left to the discretion of the department. What we complain of is the \$3 maximum placed in the regulations.

The CHAIRMAN: If he were not docked his pay, you would pay him just the same? You do not want to go into whether his pay continues from his ordinary employer or not? Anybody on a monthly rate of pay with a private corporation or with the government, if the man goes into hospital for two or three weeks, it is reasonable to suppose that his employer would pay him his salary, but you propose that the man should receive extra pay from the government.

Mr. BARROW: If he has lost no time, I do not think so.

The CHAIRMAN: This proposal is that he should be paid whether he has lost his pay or not—in other words, he is bonused for going to hospital.

Mr. BARROW: The first paragraph refers only to unemployed men. May I read the regulation. (Reading):

Reimbursement for loss of wages on production of certificate from his employer stating rate of pay which he will lose or has lost on account of absence from work, up to but not exceeding \$3 per day.

That means that the man must be employed in order to put in a certificate. This is to protect the unemployed man who has to look around for a job, or has to lose his time by going for a board.

The next is proposal No. 24, dealing with Imperials who were pre-war residents. The proposal reads:

That The Pension Act be amended so as to provide: that, in the case of a person who was domiciled or resident in Canada at the beginning of the war and who subsequently served in any of His Majesty's naval, military, or air forces other than the naval, military, or air forces of Canada and whose application has been refused by the British Ministry of Pensions or when, if such application has been accepted, the pension award is smaller than that to which the applicant would have been entitled under The Pension Act, the same consideration be given as if he had been a member of the forces within the provisions of The Pension Act throughout the service.

The situation is that if a Canadian serves in the Imperials his pension is adjudged by the British Ministry of Pensions. There is a provision in our Act to supplement a pension awarded by the British Ministry to the rates which he would have received had he served in the Canadian forces, if he is an officer. If he is of another rank, he is given an option of electing to receive Canadian rates.

Mr. HEPBURN: From the British Pension Office?

Mr. McGIBBON: Let us have the explanation.

Mr. BARROW: If a pre-war resident of Canada serves as an officer with the Imperial forces, his case is adjudged by the British Ministry of Pensions, but he is given Canadian supplementation under our Act to bring his pay under the British Ministry up to our rate.

Mr. HEPBURN: Does the Canadian government pay that then, or is that supplemented by the British service?

Mr. BARROW: The Canadian government pays that. In the case of another rank, if he returns to Canada within a time limit, one year, he is permitted an option to take Canadian rates, and if he does so he takes the whole Canadian scheme; and I understand that is paid by the British government. But I also understand that in all those cases an award of pension is determined by the British Ministry. The men we are interested in are those who perhaps enlisted direct with the Royal Air Force because there was no Canadian Air Force, or who, having enlisted with the Canadian unit, transferred to the British unit because his services were going to be more valuable there. Those men are subject to the British pension regulations, which in many cases are disadvantageous as compared with our own, as regards entitlement in the way of pensions.

If a man, who was resident in Canada on August 4th, 1914, is refused pension by the British government, his case was to be submitted to the Board of Pension Commissioners, and they look over the whole documentation, and judge the case as if he had been a member of the C.E.F. If he receives an award from the British Ministry and it is discontinued or is not increased in the same way that a man having similar service in the Canadian forces would have enjoyed, then the Board of Pension Commissioners shall look over his documentation and make such increase. That is a complement to the Canadian law. In the case of the Imperial, the Pensions Board shall give judgment on the perusal of the written evidence before them. In the case of the Canadian he is refused that.

The CHAIRMAN: On the ground that our provisions are more generous. This is the first time we have heard such a thing in ten years.

Mr. SPEAKMAN: There was a time limitation, and that time has now expired, and no applications can now be received.

Mr. BARROW: Except under special discretion.

Mr. SPEAKMAN: I tried it, and have been told from the Ministry in Great Britain that no exceptions can be made. It was seven years' time, and it expired three years ago. But that man, then, apart from an application under the British law, was able to make an application under the Canadian law?

Mr. BARROW: That is quite so.

Mr. McLEAN (*Melfort*): Has that been changed within a short time?

Mr. HEPBURN: Is the Canadian barred by the British law?

Mr. BARROW: Yes, he is barred by the British statute; but special application may be put forward and special consideration may be given. The man has lost his right to make application.

Mr. THORSON: In other words, we are asked to take over a British responsibility?

Mr. BARROW: Yes.

Mr. THORSON: If we are asked to take over that responsibility, why should we not take over the responsibility for a Canadian who served with the French forces?

Mr. BARROW: The particular classes affected were the flying men who enlisted with the British air forces because there was no Canadian air force at that time.

I do not want to go into any details of the British law, but I want to cite one point. Under the British law a man whose disability is less than 20 per cent is pensionable in somewhat the same way that our men were, and received a final payment. Where under 5 per cent, it was spread over a period of time according to the length of the expectancy. At the end of the final weekly allowance, his pension ceases and no further application can be made. He is given a year in which to appeal, and if he does not appeal the decision is final. If he does appeal he will probably lose, because assuming the assessment is correct, it is not going to alter sufficiently within twelve months to put him back on pension.

Then he comes to Canada, and his pension is paid and is finished. His disease progresses and his disability becomes 80 per cent. But he has no right to a further award of pension from the British Ministry. There is a channel by which consideration may be given, but at the special sanction of the Minister. Those classes of cases are destitute in this country now, and are one of the problems which we have in this country. They are disabled men without visible means of support, and our application will take care of those. Those men have had their residence in Canada on August 4, 1914, and would apply to the Pensions Board.

The CHAIRMAN: This man comes to Canada, and his time has expired?

Mr. BARROW: He comes back to Canada.

Mr. THORSON: Would that also apply to all Reservists of the British Army living in Canada before 1914?

The CHAIRMAN: Yes, certainly.

Mr. HEPBURN: I was going to ask whether that could not be amended so as to apply to all native-born. A man who had come out here two months before the outbreak of the war and went back to the army should not be provided for by us.

Mr. MCGIBBON: If you are going to take in all the Reservists who come back to this country and who are dissatisfied because they are precluded, you are undertaking a big proposition.

Mr. THORSON: If you apply it to Canadians who were British Reservists, why should it not be made to apply also to Canadians who were Belgian or French reservists?

Mr. BARROW: I do not see why it should not be done. I am not so conversant with the French law as with the British, and that might affect it; but as to responsibility, I think the country has the same responsibility for a British reservist who was resident here on August 4, 1914.

Mr. HEPBURN: He might be a man who had lived in Canada but a month, and you could not put him in the same status as a Canadian.

Mr. BARROW: The burden of supporting that man is now on the country somewhere.

Mr. MCGIBBON: You are really taking on an obligation of the Imperial government, outside of your air force.

Mr. THORSON: We assume a responsibility for all our Canadian Soldiers all over the world, no matter where they may be now.

Mr. BARROW: Quite so.

The CHAIRMAN: I agree with Dr. McGibbon and would suggest that the soldiers could come to us with an amendment providing for persons who, through no fault of their own, were obliged to go to the British forces.

Mr. SPEAKMAN: Under this suggestion, those Imperials who were unable to make out a case before the British authorities and so are in receipt of no

pension from the British authorities would make an application under the Canadian Act, and if granted that would be payable by the Canadian government?

Mr. BARROW: Yes.

Mr. SPEAKMAN: They would be men who could not make out a case of entitlement under the British Act, but are to make entitlement here, supposing they were members of our own forces.

Mr. BARROW: Yes.

Mr. SPEAKMAN: In which case it would be open to the British soldiers, who were not entitled under the British Act, to show that they might be entitled under our Act.

Mr. BARROW: Quite so.

Sir EUGENE Fiset: I should like to ask Colonel Thompson if the British reservists residing in Canada before the war were not receiving a pension from the British government?

Colonel THOMPSON: Some of them were.

Sir EUGENE Fiset: As far as I have heard, if a British officer came to Canada and was a reservist, he was receiving a pension.

The CHAIRMAN: They were receiving what was a fee so that their services might be retained.

Sir EUGENE Fiset: I think the British reservists were receiving from the British government a long service pension, and in the final adjustment of their pension in England, when they quit the service with the British forces, this long service pension was taken into consideration, and in many instances this additional pension was refused for that very reason.

Mr. McLEAN: The British period of service was long. There is another class of men in the army who went over to Britain and joined there in some capacity, and many of them are now back in Canada, and this class would be quite large. In what position would they find themselves if you dealt specifically with the air force or any other particular branch of the service?

Mr. McPHERSON: I think we understand the situation. I should not like to commit myself at the moment. It might develop into a very large question. I agree with Dr. McGibbon that there are certain classes of men who by right should be dealt with in this way.

Mr. THORSON: There are one or two questions I should like to ask Colonel Thompson. I understand that in the case of Imperial officers, we make up their pensions to the scale of Canadian pensions.

Colonel THOMPSON: We supplement the pension that Great Britain pays.

Mr. THORSON: We supplement the amount that they receive from Great Britain?

Colonel THOMPSON: Yes, if the pension paid them by Great Britain is smaller than Canada would pay under the same circumstances.

Mr. THORSON: I understand that some of these officers commuted their British pension and came to the Canadian government and said, "We are now in receipt of no pension from the British government. Make up pension to us up to the Canadian scale."

Colonel THOMPSON: Yes, that is true.

Mr. THORSON: So that they received their commutation and also got pension from the Canadian government?

Colonel THOMPSON: In some instances they were apparently commuted. I cannot give it to you exactly, but I can give you an instance of it. A man was receiving, say, \$1,200 a year, which would be more than he would have

received from us; and he took £500 in a lump sum; and then said, "My pension is \$300 a year, and now I want you to supplement it," and we had to do it, because the statute says that the pension now being paid by Great Britain shall be supplemented.

Mr. McGIBBON: That was not the intention of our law, surely, that you should take into consideration the commutation by Great Britain.

Colonel THOMPSON: No.

Mr. THORSON: Those officers have had the benefit of the commutation and also the benefit of pensions from us.

Colonel THOMPSON: Yes.

Sir EUGENE Fiset: They would have the benefit of being able to cancel it and go back to the pension.

Mr. THORSON: Their commutation is in Great Britain. They have eaten their cake and still have it.

Mr. HEPBURN: Colonel Thompson, how many men are affected?

Colonel THOMPSON: There are not a great number. The majority of those who will be affected by what Mr. Barrow has referred to will be those who were living in Canada at the outbreak of hostilities and who voluntarily went over to England and enlisted in the British forces. Under the statute he must be resident and domiciled in Canada. We have a number of cases like that where the men came over on ships, stewards or employees on the ships; war started, they left the ships and enlisted here after being here possibly a week or a month, and the question is as to whether they were actually living here. They were in Canada, but the statute says they must be domiciled and resident.

Mr. McPHERSON: I would like to ask Colonel Thompson to give us a memorandum relative to these officers, for our consideration, because, as I take it, if they were getting \$1,000 a year pension from the old country, and it took \$500 to make it up from us, if they commute their pension apparently we pay the whole \$1,500.

Mr. HEPBURN: The whole thing would be an inducement to commute pension, and ask us to supplement it.

The CHAIRMAN: Would you make out a memorandum on that situation explaining the procedure and giving us a specific instance? If you can, tell us roughly how many there are.

Mr. THORSON: Give us the number of cases affected, and the amount of money involved.

Colonel THOMPSON: Of course, Mr. Barrow's amendment will refer principally to the N.C.O's.

Mr. THORSON: I am speaking now only of officers.

Sir EUGENE Fiset: You had better say officers and warrant officers.

Colonel THOMPSON: It is in the case of warrant officers and higher ranks that Canada supplements the pension up to Canadian rates. In the case of other ranks, the British government carries the whole thing, and if he was a pre resident of Canada they give him the option under certain conditions of taking Canadian rates, and when he does he has to stand by that and he cannot afterwards change.

Mr. McGIBBON: It must have been an oversight in our legislation to permit that.

The CHAIRMAN: That was one of the times when we passed very broad legislation.

Mr. BARROW: Commutation under the British law is very different from ours. Whereas under our law we have a maximum under which a pension must

be, under the British law there is a minimum, and a man cannot commute his whole pension. In the case of officers it is quite a substantial amount that they must retain.

Mr. MCGIBBON: That does not affect the principal. We have simply been exploited by these officers.

Mr. HEPBURN: In the event of our Canadian pensioner going to England and taking up residence there will he be paid at the Canadian rate of pay?

Colonel THOMPSON: Canada supplements this pension while the man is resident in Canada, that is, with regard to the pre-war resident "domiciled and resident" that is the important thing.

Mr. THORSON: That is in respect to persons who did not serve in our forces.

Colonel THOMPSON: Yes. If he served in the Canadian forces he is pensioned, no matter where he lives.

Mr. THORSON: Does that apply to dependents of our Canadian soldiers?

Colonel THOMPSON: We have to pay pension, yes, but not at the same rate. The cost of living in the various countries is considered. The cost of living in Canada is reckoned at \$60 per month.

Colonel LAFLECHE recalled.

The WITNESS: Mr. Chairman, I will take up resolution No. 11 on the list. The resolution reads as follows:

Section 25, Pension Act.

That the Pension Act be so amended as to provide equal treatment to all ranks in the matter of Helplessness Allowance on the basis provided for Lieutenant or lower ranks as set out in section 26, sub section 1.

Very briefly, Mr. Chairman, that section of the act provides for helplessness allowance in the case of lieutenant and lower ranks, with a minimum of \$250 a year up to \$750 a year. We find that as the rank increases the helplessness allowance decreases. In this way, the maximum for a captain would be \$650 a year; for a major his maximum would be \$390 a year, and for lieutenant-colonel his maximum would be \$90 a year, as compared with the maximum of \$750 for other ranks, up to the rank of lieutenant. For anything above the rank of lieutenant-colonel, nothing is paid by way of helplessness allowance.

By Mr. Adshead:

Q. What about pension?—A. There is a difference in the pension. The matter has been brought to our attention by a certain number of officers affected, or to whose attention the matter has also been brought. They feel that the difference in pension rates is due to a very distinct understanding before they joined the service, and they believe that the provisions of section 26 constitute an attempt to equalize pension rates but at the expense of those who can least afford it.

Q. What was that distinct understanding? How was it arrived at, and by whom?

Sir EUGENE Fiset: That they should be paid according to the rank they held.

The CHAIRMAN: There was a time in this committee when people came here and said we must have equal rates for all ranks, and I can remember the feeling throughout the country; and now we are asked to give the poor devils of officers a chance. I think we understand what that suggestion is.

The WITNESS: Well, if that is so, may I proceed to No. 15 on the list?
The resolution reads:

Appeal Board procedure.

That the attention of the committee is directed to the congestion in the work pending before the Federal Appeal Board, and that as such congestion undoubtedly causes hardship, inquiry should be made to ascertain the cause and necessary steps taken to provide relief.

The CHAIRMAN: Colonel Topp of the Appeal Board is here; he could tell us. He might be of some use to us in finding out just how it is that the Federal Appeal Board has got clogged up; it might give us some light on what new machinery we should evolve.

Mr. THORSON: Unless Colonel LaFleche has something else to say on it.

The WITNESS: I can only speak, Mr. Chairman, from my own observations. I believe them to be considerably in arrears, but I cannot speak with authority.

Mr. McPHERSON: This item, however, would be entirely covered by the Chairman's proposal.

The WITNESS: So it would, yes, sir.

Mr. McGIBBON: It is a question of machinery.

The CHAIRMAN: Well, we will take it for granted that it is in arrears, and that the machinery is clogged up.

The WITNESS: There is another point, Mr. Chairman, which does not appear on the list. It was decided to mention the matter, and bring it to your attention after this list had been published. It is a matter on which it is very difficult to procure reliable information, but I have taken the liberty, gentlemen, to caution or warn, if I may say so, in a friendly way, those other bodies in the government which may be concerned, and I think all of them have representatives here to-day. I refer, sir, to something which came to our attention several months ago. We were led to believe—and it has since been confirmed—that the decisions of the Board of Pension Commissioners have been projected into an audit. Let me make myself very, very clear as to my stand on auditing, as far as arithmetical auditing, accountancy, checking, or verifying of amounts, and so forth, is concerned. I believe in strong institutions, and, therefore, I do favour most strongly, and feel it to be essential, that all financial transactions be audited most cheerfully, but it was reported to us—and I submit that it is my belief, but it is very difficult, of course, to ascertain the truth of the matter—that the actions of this auditor have had an influence upon the decisions of the pension board, and if such be the case then I submit, most respectfully, gentlemen, that decisions concerning the award or refusal of pensions lies solely in the hands of the pension board under the Pension Act.

The CHAIRMAN: May I explain that a little further. It came to my attention some time ago—I think it was through the Legion—that the Auditor General has been sending representatives of his department into the Board of Pension Commissioners going through the files and auditing the pensions paid to the pensioners. I have taken this view—and I think probably the committee will agree with me—that in so far as it is an audit for the purpose of finding out whether or not the amounts paid, after the awards were made, were properly paid—that is to say, if it was paid on account of a child they might want the production of a birth certificate in order to see if this child was past the age of sixteen years—then all right; but if the audit is made on the ground that the pension board exceeded its authority in awarding a pension I think possibly we might have the right to protest. That is the rumour which has come to me, that the Auditor General or his representatives have gone through the

files and have said, "Well, now, there does not appear to be sufficient medical evidence to have granted this pension." It has come to me in that shape. If that is the case, we certainly have reason for protest, and I would like that to be inquired into before making the statement as broadly as I do.

Mr. McGIBBON: Would it not be for the purpose of seeing that the money being paid out coincided with the amount that was being awarded for pension?

The CHAIRMAN: If that is the case, there is no objection. Let us ask the Board of Pension Commissioners just what that audit consisted of.

Mr. McQUAY: I think it would be better if we put in the file. The whole thing is here. It deals with the question of the Auditor General's representative checking up on pension matters. We have no objection to him coming in and checking our files, that is, to see that the moneys that were awarded coincide, or, as Dr. McGibbon said, have been properly paid. But questioning the decision of the board, well, we object to that.

Mr. McLEAN (*Melfort*): Does he do that?

Mr. McQUAY: It has been done.

The CHAIRMAN: Here is a letter addressed to the Auditor General, apparently signed by the secretary of the Board of Pension Commissioners:

With reference to your communication of the 15th instant, I am quoting below a few cases taken at random from your examining officer's observations over the past few months which, it is thought, will show that his representations have not altogether been confined to the amounts of the awards, but have touched upon matters coming within the jurisdiction of the commission under the terms of the Pension Act.

And then follows certain specific cases. I will read one or two of them:

In this case the commission exercised the discretion conferred on it by statute, and continued pension on behalf of a child. Mr. King submits that the case "might reasonably be considered as not entirely covered by the act."

Another one reads:

The observation is—"it would appear that child's allowance in this case has been issued in error since 1918." This conclusion is in conflict with the decision of the commission given after consideration of all available evidence.

The next reads:

In this case Mr. King expresses his personal opinion that there was not sufficient evidence on file to justify the commission's award of additional pension on behalf of a child.

Who is Mr. King?

Mr. McQUAY: He is the representative of the Auditor General.

The CHAIRMAN: That is a case of where he, apparently, sits in review of the pension board.

Mr. HEPBURN: That settles it then.

The CHAIRMAN: I will read it again.

In this case Mr. King expresses his personal opinion that there was not sufficient evidence on file to justify the commission's award of additional pension on behalf of a child.

The other one that I read was as follows:

In this case the commission exercised the discretion conferred on it by statute and continued pension on behalf of a child. Mr. King submits

that the case "might reasonably be considered as not entirely covered by the act."

That is certainly exercising a criticism of the discretion. That is all that is stated here.

Mr. THORSON: Was the money paid?

Mr. ADSHEAD: Did the board discontinue it?

The CHAIRMAN: I do not know about that.

Mr. McQUAY: Pension was not discontinued.

Mr. STOCKTON: Might I ask that you to read the paragraph in the Auditor General's letter pertaining to that particular case before you take up the next one?

Mr. ADSHEAD: Do these auditors ever investigate cases where you ought to pay pensions and do not?

Mr. McQUAY: I think they do, I am not sure of that.

Colonel LaFLECHE: What has been the tendency, to save or to spend more money?

The CHAIRMAN: Here is a case in which it would appear to me that the Auditor General is right:

A ruling given by the Board of Pension Commissioners under date of October 18, 1926, reading as follows, has been brought to my notice:

Cancel award of dependents' pension with effect from date of last payment, pension having been obtained by perjury and misrepresentation.

The departmental file brings out the fact that additional allowances for wife and child were in issue from March, 1924, to January 16, 1926, and that widow's pension was in issue from January 17, 1926, to August 31, 1926, all of which payments, amounting to \$1,461.94, as now ascertained "were obtained by perjury and misrepresentation."

Has any action been taken to recover the amount of illegally obtained pensions in this case, or if not, is there statutory authority given the pension commissioners not only to cancel the awards but to remit pension payments made before the fraud had been detected.

I would say that the Auditor General was correct in calling their attention to that.

Mr. McGIBBON: Where did he get his evidence?

The CHAIRMAN: The Board of Pension Commissioners ruled that the pension had been obtained by perjury, and apparently they continued to pay for the period of another year.

Mr. ILSLEY: It is alleged that the Auditor General is overruling the Board of Pension Commissioners' discretion, and it occurs to me that possibly they are not doing anything of the kind. Possibly they are taking the ground that there is no discretion in that particular case, that the award is merely illegal.

Colonel THOMPSON: We were not overruled because we did not change in any instance, except in a case where we paid pension to a man by way of additional pension in respect of his wife from whom he had obtained a divorce. I might refer to that case the chairman has just read. My recollection of it is that there was a widow of a soldier out in Winnipeg receiving a pension, and she sent in a certificate that she was still unmarried, whereas she had been married two or three years after her first husband died. She received overpayment of twelve or fourteen hundred dollars, and the question arose about recovery. We

made an investigation through the Department of Justice, and we found she was absolutely poverty-stricken and there was no chance of recovery of the money, so we took no action.

Mr. MCGIBBON: That was not the impression that I got. You continued to pay this pension after you got the evidence that it was being obtained by perjury. Is that not right?

Colonel THOMPSON: I cannot recollect that is the statement that is made.

The CHAIRMAN: Yes, the file is here; the ruling given by the Board of Pension Commissioners under date of October 18, 1926; then follows the ruling cancelling the award as the pension had been obtained by perjury. The department file brings out the fact that additional allowances for wife and child were in issue from March, 1924 to January, the 16th 1926, and that the widow's pension was in issue from January the 17th, 1926 to August 31, 1926, all of which payments, amounting to \$1,461.94 made, were obtained by perjury and misrepresentation. After the ruling was made they did not continue the pension, but I submit possibly the Auditor General was correct in calling attention to the fact that there had been overpayment, and the Board of Pension Commissioners was equally correct in not endeavouring to collect it, if it was evident they could not do so.

Mr. ADSHEAD: There is a statement that the witness said there was repayment.

The CHAIRMAN: Now we will go back to the case in which the decision of the Board is challenged. In this case Mr. King expressed the personal opinion that there was not sufficient evidence on file to justify the award for additional pension on behalf of the child. This is clearly a case which would not come under the jurisdiction of the Auditor General. Let us get the answer of the Auditor General.

We will call this case "R"—in this case additional allowances were granted in respect to two children who, from the correspondence on the file, appeared to have been adopted. According to section 22, subsection 3 of the Pension Act, adopted children are not eligible for pension unless they were being maintained by the foster parent at the time of the appearance of the injury or disease which caused the disability for which he was pensioned, or which resulted in his death. The validity of the grant of these allowances would thus depend upon the time at which the children were adopted, and, as there was nothing on the file to show that these children were being maintained by the man at the time of the appearance of the disability, I am of the opinion that Mr. King was justified in drawing attention to the want of such evidence and in expressing the opinion that it would be necessary to have the proper evidence on file.

This lack of evidence was felt by the Board would appear from the following extract from a letter signed on behalf of the secretary and sent to Montreal, subsequent to Mr. King's observation:

Kindly ascertain whether or not the children are actually foster children and, if so, the dates of their adoption and the circumstances under which they were actually adopted.

This is clearly a case where Mr. King checked up on the use of the Board's discretion and Mr. Gonthier apparently backs up Mr. King's action.

Mr. ILSLEY: I do not think they had any discretion. There was nothing on the file to bring them within the Act and the Auditor General told them so.

The CHAIRMAN: Is that a fair example of the case?

Colonel THOMPSON: I think if from the rest of the evidence the children had not been adopted prior to the incurring of the disabling condition, they have.

Mr. THORSON: If they have not been adopted there would be no room for discretion.

Sir EUGENE FISET: Mr. Stockton is here representing the Auditor General and he might easily tell us what procedure is adopted in auditing these cases. I would like to know if it means auditing every case and the decision of the Board or whether they take a case at random.

Mr. STOCKTON: If you wish us to go into any evidence I think Mr. King could answer, he being in charge of the files. However, if the matter could be left over Mr. Gonthier himself could take up the matter.

The CHAIRMAN: As Mr. King is here, we might ask him any questions that are necessary.

B. R. KING called.

By the Chairman:

Q. Mr. King, you might tell us how you proceed in auditing these cases.— A. I would say the prime purpose of the audit is to find out if the file discloses evidence which goes to show that the requirements of the Act have not been met. This is a particular case in point, the one which you have just read.

Sir EUGENE FISET: May I ask you Mr. King if you have an audit in every case?

The WITNESS: It is a test case audit, sir. We have audited probably 3,000 files.

Mr. MCGIBBON: On what do you base your authority to dispute the award of the Board of Pension Commissioners?

The WITNESS: I do not dispute the award of the Board of Pension Commissioners unless the file brings out that there has been a contravention of the Act. After all, it is under the sections of the Act that authority is given. Section 7, I think it is, only authorizes the Board to award pensions, and if the requirements of the Act are fulfilled, that is all that is necessary.

Mr. HEPBURN: The whole criticism has been against the Board of Pension Commissioners that they have never erred on the side of mercy, yet here is another reason where you say they must not do so and so.

Mr. MCGIBBON: I do not think you get my point, Mr. King. Where we find the Board of Pension Commissioners have given an award presumably on the evidence and you say that that evidence is not sufficient, is that not a matter of opinion?

The WITNESS: There was no evidence at all, and I have to be guided by the Act. My interpretation might be at variance with the opinion of the Board; that is inevitable because they have much more experience than I have had, and we will get many occasions where we meet with a negative answer.

Mr. THORSON: I think the Auditor General should ascertain if the payments are correct.

Mr. MCGIBBON: Read that again.

The CHAIRMAN: "The validity of the grant in this case of an additional child's allowance depended on the legitimacy of the child in question."

Then Mr. Gonthier goes on to argue his case that the Board must have thought his observations were proper ones because they wrote immediately to Montreal to ascertain whether or not these children had been adopted.

Mr. MCGIBBON: Is there any evidence on the file that they were adopted children?

Mr. McPHERSON: Let me ask this question: Where dependents are given pensions, do they always ask for birth certificates of those children?

Colonel E. E. THOMPSON: The dependents of parents who were members of the forces.

Mr. McPHERSON: I say, where dependent children of parents obtained a pension, is there always a birth certificate on file?

Colonel THOMPSON: Yes, or a copy of it, or a note that the birth certificate has been perused by one of the officers in the district office.

Mr. McGIBBON: In this case did you know the child was legitimate, or adopted?

Colonel THOMPSON: I do not recollect the file.

Mr. McLEAN (*Melfort*): Mr. King, you are a party to a legal and financial auditing of the account?

The WITNESS: As much as a layman can be, from casual observation.

Mr. McLEAN: Do you ever attempt a medical audit of the files?

The WITNESS: No.

Mr. McLEAN: You do not consider the question from any phase of medical responsibility at all?

The WITNESS: Only in the case of a contradiction of the medical evidence; where that might bring something out.

Mr. McLEAN: Where a contradiction of the medical evidence might bring something out?

The WITNESS: Yes; I would not express an opinion. I would not disagree with either medical opinion.

Mr. McLEAN: Suppose a medical contradiction, do you do anything at all?

The WITNESS: If I were in disagreement my idea is not to challenge the findings of the Board but rather to put up the facts as I find them on the file. I find that if they confirm all the evidence produced, and if the Pension Board says yes, it is all right.

Mr. THORSON: On what authority do you do that?

The WITNESS: Only in complying with the requirements of the Act.

Mr. THORSON: But if there is no question of the jurisdiction of the Board's authority, is there any right in the Auditor General's Department to determine whether the jurisdiction is properly exercised or not?

The CHAIRMAN: May I read this case which is discussed by Mr. Gonthier?

This pensioner was treated as an aggravated case until December, 1926, when, on review by the Pension Commissioners, the basis of the award was changed to "attributable to service". Mr. King states that the main object of his observation was to ascertain, if possible, if any records were available to substantiate the medical examiner's remarks in 1920 to the effect that it had come to the knowledge of the examiner that this pensioner was not accepted for service on several occasions on account of heart conditions, which is somewhat at variance with Dr. Collins' certificate to the effect that this pensioner had suffered no illness prior to his enlistment in 1916.

In your comments on this case you state that a decision of the commission as to whether the disease was contracted or aggravated during service, under the terms of the statute, not open to review except on appeal to the Federal Appeal Board.

Mr. Gonthier adds:—

This view does not correspond with my understanding of the powers of that board as laid down by the Act, and Mr. King informs me that he has met many cases where a change from aggravation to attributable, or vice versa, has been made by the Board of Pension Commissioners; in fact, the very case under discussion, the basis of the award was in 1926, changed by the Commissioners from aggravated to attributable.

I am of the opinion that in desiring to bring to the attention of the commissioners certain evidence which might have the result of decreasing the amount of the pension, Mr. King was not going beyond his duties as an auditor.

Mr. THORSON: This is clearly beyond his jurisdiction.

The CHAIRMAN: If the people of the country knew that over and above the Pension Board the Auditor General was preventing the soldier getting a pension, there would be hades about it.

Mr. THORSON: May I ask—does the Auditor General review an award of the Supreme Court in the same way?

Mr. SANDERSON: When you audit the Pension Board, is it a yearly audit?

The WITNESS: We just went into it last May.

Mr. SANDERSON: What instructions do you get? I understand, in the matter of an ordinary financial audit, but this is something different. What instructions have you from your chief as to the form of your audit?

Mr. McLEAN: Would it not be better to ask the chief?

Mr. SANDERSON: I have not had an answer to my question.

The WITNESS: I think the first paragraph of that letter will practically answer that. As Mr. Gonthier points out, there is no definite instruction, it is simply a case of going in and wading through the file. If I find the provisions of the Act have not been complied with, and if there is a contradiction in the evidence on the file, I bring it to the attention of the Board.

Mr. SANDERSON: You are making a financial audit.

Mr. THORSON: He says it has to be a legal audit as well.

Mr. SANDERSON: A financial and legal audit; beyond that what do you do?

The WITNESS: I simply examine his documentation on the file, and pick out the discrepancies.

Mr. ILSLEY: Are you a chartered accountant?

The WITNESS: No.

Mr. ILSLEY: You know what the practice is when a chartered accountant audits the books of companies?

The WITNESS: Yes, quite.

Mr. ILSLEY: They go over everything covering the propriety of payment.

The WITNESS: Quite.

Mr. ILSLEY: I understand that is what you have been attempting to do.

The WITNESS: That is what I have been attempting to do, but I might say this is something new in the Auditor General's branch. I had about five years' experience auditing British pensions for the Auditor General of Great Britain, and the British Minister of Pensions. I have answered about 2,000 queries on pensions and in all cases the pensions have been welcomed.

Mr. McPHERSON: By the British Government, or by the British soldier?

The WITNESS: The British Government. If a thing was wrong on the file I brought it to their attention.

Mr. McGIBBON: You do not go as far as welcoming them here?

The WITNESS: Yes.

Mr. THORSON: Has the Auditor General ever questioned the diagnosis?

The WITNESS: No.

Mr. THORSON: Never at any time?

The WITNESS: I have to qualify that, if I replied by giving a direct answer, obviously I would get into trouble. I remember one observation where a man was given a pension for having scars on his hands, due to an accident in England. We could find no such evidence and the thing was put before the medical advisers board, and Doctor Kee sent a memorandum that this was wrong on the award, and that the disability was Dupuistren Contracture, something like that. If the diagnosis had been carried forward incorrectly, I should say a disability had been carried forward incorrectly from one month to another, or from year to year I would infer it was something like that.

The CHAIRMAN: This is along the same lines as this case which is before me. (Reading).

The observation in this case deals with and expresses an opinion on what is entirely a medical matter, Mr. King's contention is that a slightly rapid heart noted at the time of enlistment indicates that valvular disease of the heart existed prior to enlistment and was not incurred during military service. In coming to a decision on a complicated medical point such as this, the Commission is guided by the advice of its medical advisers and when necessary also obtains the opinion of outstanding medical specialists. A review of such decisions by a layman is not provided for by the Statute, neither is a layman competent to express an opinion thereon.

Now let us see Mr. Gonthier's reply to that, in his letter to the Board, re Private W. (Reading):

This case is similar to the Sullivan case This man's medical history sheet shows that in 1913 he suffered from inflammatory rheumatism and that on enlistment a slightly rapid heart was found which however, was not sufficient to cause rejection. Mr. King's observation was intended as a suggestion that this case be referred to the Board for further review as it appeared to him, from the evidence on the file, to be a case of aggravated disability only. He informs me that in the audit of British pensions remarks of this nature would be welcomed.

Evidently there is no question about it that Mr. King went through this file and found that in his opinion pension should be awarded for aggravation only, and so stated to the Board of Pension Commissioners, and the Board of Pension Commissioners thought that that was their business and not the business of the Auditor General. Now, are we here to settle that fight?

Mr. King informs us that for three or four years, you were in charge of the auditing of the British pensions?

Mr. THORSON: Loaned to the British Pensions Board.

The CHAIRMAN: And they were very glad of his observations with respect to their pension system. As a matter of fact, I think, on his recommendation they took the administration of their pensions away from our Pensions Board and established a board of their own. Is that not a fact, Mr. King?

Mr. KING: I would not answer that.

Senator MACARTHUR: May I say something? I was thinking that possibly Mr. King could tell us whether some action is required in the future to determine who has the jurisdiction over these matters. I take it that there is liable to be considerable friction in these cases. Has Mr. King any suggestion to make as

to how the difficulty in the future may be obviated, or have there been any cases where there has been a deadlock and in which at the end the pension has been withheld?

The CHAIRMAN: There has been no suggestion that pension has been withheld at all.

Senator MACARTHUR: But there may be?

Mr. HEPBURN: I can understand their position in the matter. If they are to be subjected to criticism like this, you cannot blame the Pensions Board for sticking close to the statute.

The CHAIRMAN: We should more or less discuss this with Mr. Gonthier and see what his view is.

Mr. MCGIBBON: Rapid heart action is no indication of a valvular condition.

Colonel THOMPSON: Perhaps I might make a brief statement, Mr. Chairman.

The CHAIRMAN: Yes, certainly.

Colonel THOMPSON: When Mr. King announced that he was in the office on behalf of the Auditor General, I said that we would be glad to give him any information on any point—speaking personally—and so I am. The stand of the Board is this, that if the discretion of the Board is questioned, that is a matter on which we will give no answer officially. If the decision of the Board is questioned on medical grounds, my medical colleagues take the ground that a layman is not qualified to judge. If Mr. King questions a decision on the question of the law, then I, as the legal member of the Board, take the ground that he is not qualified to judge.

With regard to his work generally, we take the ground that his duties start when an award has been made, and then the mechanical end steps in, namely, as to whether, when we have made an award of \$60 a month to John Smith, John Smith is being paid that \$60 a month, and paid at that rate from the day of the award. In regard to such cases as a man receiving an allowance for his wife after he has been divorced from her, we are very glad to have any information on that point; but that is additional evidence which was not before the Board at the time the award was made, nor was any evidence like that brought to our attention prior to Mr. King notifying us of it subsequently to the award taking place. Apart from that, we are very glad to have Mr. King's assistance.

Mr. MCGIBBON: I think there is a very useful part he can play.

Colonel THOMPSON: Yes. I make that statement in fairness to Mr. King.

The CHAIRMAN: Mr. Gonthier adds the following. (Reading):—

. . . I desire to point out that in the examination of expenditures from moneys appropriated by Parliament to defray the expenses of any public service, I must be governed by the provisions of the Consolidated Revenue and Audit Act, and to state that after having given full consideration to the matters brought by you to my attention, I consider that the audit as it is being applied by my representative is such as is called for by that Act.

Mr. Gonthier claims that under the Audit Act he has a right to examine into the cases as he has been doing.

Mr. MCPHERSON: I am inclined to think that while it seems absurd to us, the Auditor General's Department has been acting absolutely correctly from their standpoint, in so far as they have a right to go into a question of why any payment was made and whether it was made legally or not. That may raise questions which appear to us to be unreasonable and to introduce really

a court of appeal over the Board of Pension Commissioners' proceedings. I think they are legally right, and in my view of it the Act would have to be amended so as to relieve the Auditor General's department from questioning a payment.

The CHAIRMAN: Would you suggest that the Auditor General could check up on a payment ordered by the Exchequer Court?

Mr. McPHERSON: No, not under section 22, subsection 2. I think the Auditor General has a right to know whether a child that is receiving a pension is married or not.

Mr. THORSON: Yes, that goes to the jurisdiction; and there is no doubt as to the right to question the legality of the payment.

Colonel THOMPSON: That is the type of case on which we would be glad to have information; if he tells me that the child is married, we will be glad to have that information.

Mr. ILSLEY: Did not I understand you to say that you were the judge of legal matters?

Colonel THOMPSON: Yes, but that is a question of fact.

Mr. McGIBBON: I think we may be confusing the two things. For instance, there is a certain scale of pensions set, if a man has an arm off or a leg off; there is a certain amount set down for that, and that might be increased or decreased, and in such cases as that the Auditor General might check up, but in other things, if going into a question and saying that if a man has a rapid heart that indicates valvular disease, that is another thing.

Mr. THORSON: As I see it, there is a distinction between cases where there is a dispute as to whether the Board has jurisdiction to grant the award or not, and those cases where jurisdiction is admitted and it is solely a question of whether the jurisdiction has been properly exercised. In the former class of cases, I would say that the Auditor General is clearly within his powers; but in the latter class, I would say that he has no such powers.

Mr. HEPBURN: Take an amputation case such as I just had up, where the man has a certain stump, on which he gets a fixed payment. Now it has been found that he cannot use an artificial limb; although he has a stump which bars him from drawing the maximum, he cannot use an artificial limb at all. It is a statutory rate. Is there any schedule of rates which applies in the case of amputations?

Colonel THOMPSON: There is the disability table, but it is not statutory; it is a schedule.

Mr. HEPBURN: If a leg is amputated below the knee, there is a certain schedule rate to apply?

Colonel THOMPSON: Yes.

Mr. HEPBURN: This case which I spoke of the other day, the man has a stump, but he cannot wear an artificial limb, and he ought to get a proper pension. If the Auditor General checks it up, he would say that that man was not entitled.

Mr. THORSON: The regulation in force for the time being has the same force as a statute.

Sir EUGENE Fiset: May I say that the Pensions Board is on the same basis as the Exchequer Court?

Mr. KING: No. I have a file on my desk at the present time where a man is pensioned for a short stump—I think that is about 80 per cent. I passed the file this morning where the man was passed for 85 per cent, and I looked it up and found that he could not use an artificial limb. I would not question it.

The CHAIRMAN: Do you contend that you could question it?

Mr. KING: I would. I want to show where I would pass a thing and yet payment would go on for a year, and then the Board themselves would catch it.

Mr. HEPBURN: You are giving your opinion on this thing.

The CHAIRMAN: Based on the statute and the practice of the Auditor General's Department.

Mr. HEPBURN: That is acting as a supplementary member of the Board, absolutely.

Mr. KING: In this case you could go along and pay a man the 80 per cent, instead of 70 per cent, and that might be paid for five years owing to some misunderstanding, and at the end of five years the Board might pick it up and change it themselves.

Mr. MCGIBBON: If a man was being paid 100 per cent, you would want an explanation of it?

Mr. KING: Yes, sir.

Sir EUGENE Fiset: Is your audit a temporary audit, or is it on a definite class of cases?

Mr. KING: No, the idea was to take a few thousand files at random, and see if that test would justify a continuation.

Sir EUGENE Fiset: You have not come to a conclusion from the perusal of the different files of the Board of Pension Commission that a continuous audit would be needed in that department?

Mr. KING: I would say, yes.

Mr. MCGIBBON: In other words, the intention of your audit was to draw the attention of the Board to inconsistencies?

Mr. KING: Yes.

Mr. GERSHAW: Mr. Chairman, if it was going into the merits of the case, would not that be something on which the Board should have discretion?

Mr. KING: It is not discretionary with the Board. The Board's final finding is conclusive with me. I raised these two cases last May, just two or three weeks after I went in there. I might have been influenced a little on my audit of the British pensions. When these answers came back, I have tried to be more circumspect in subsequent matters. I did not raise these observations without consideration, but before raising the points the files were discussed with members of the Board.

Mr. McLEAN (*Melfort*): I should like to ask Colonel Thompson if he feels that the work of the Board has been handicapped by this method of audit?

Colonel THOMPSON: I do not think so.

Mr. McLEAN (*Melfort*): Then do you consider it is possible that the Board of Pension Commissioners may be protected against errors or something else on the part of your staff? It is impossible that you should be able to check every amount and cheque.

Colonel THOMPSON: That is not part of the work of the Board, but the mechanical end from the time we make an award devolves upon the department. We have nothing to do with that, and we have no staff for that.

The CHAIRMAN: Colonel Thompson takes the stand that his board is a court and that the Auditor General has no jurisdiction to inquire what the reasons are that a certain judgment of the court should have been given.

Colonel THOMPSON: Yes, but at the same time I am quite content to explain anything to Mr. King.

Mr. THORSON: You do not take the view that it is not competent to the Auditor General to question the jurisdiction of the court?

Colonel THOMPSON: No, I do not take that stand. By some mistake we might pension a man who is employed on the Rideau Canal, who was never in the forces.

Mr. ILSLEY: Is not that the line of distinction that they are quite right in questioning your awards when they are beyond your jurisdiction, and they are not correct in challenging your awards when they are within your jurisdiction?

Colonel THOMPSON: That is right.

Mr. THORSON: Does not the whole case resolve itself into that of jurisdiction?

Colonel THOMPSON: Yes.

Senator MACARTHUR: I should like to know if there are many instances where there is a conflict of opinion between yourself, as auditor, and the Pensions Board. Are there many cases of this sort, and where the allowance possibly might be held up? I think the Auditor is put in a very invidious position very often. That is my belief, although he has not stated so, and there should be some step taken to remove it. I was wondering, in a case of this kind, where a woman has a pension and she dies, does the Pensions Board insist on the medical certificate of the doctors that she has died? Because there have been cases where a woman has died and the family has taken the pension. I think there ought to be power in the Auditor to have some statement in some simple form, to be signed every time a cheque was issued or an application was made. I should like Mr. King to say whether there has been much friction or much questioning of the jurisdiction or the authority, or who has the final say in these matters?

Mr. KING: I cannot say who has the final say. So far as friction is concerned, there has been no friction. So far as disagreement is concerned, I have raised, while in the department, about 109 questions, and on those I have been satisfied on, I think, all but two. With two I am still in disagreement, but have never pressed the claims further, but shall report to the Auditor General, who will in turn take it up with the Solicitor General or the proper authority.

Mr. HEPBURN: Did you ever raise a question on behalf of a soldier, to increase the pension?

Mr. KING: Yes, I have raised two questions, where a file has shown a disability of, say, 30 per cent, and the pension was 20 per cent, the file showing that the man had an aggravated disability, but was in France. There was nothing on the file to show whether the disability was obvious. Another thing was where a chap had his pension reduced 50 per cent on account of a refusal to treatment. I found this chap had refused an operation for the lengthening of an Achilles tendon, that is a tendon on the back of the heel. On looking over the file and looking over the 1928 amendments to the Act, it seemed to me as if that might be a major operation, and I asked two or three surgeons if they considered it a major operation, and they told me, yes. So, I asked, in view of the 1928 amendment of the Act, if that man should not be restored to full pension; but the Board ruled it was a minor operation and the pension could not be increased. If the man is getting too little, I would be only too pleased to get him some more.

Mr. McLEAN (*Melfort*): Did you ever examine the files where no pension is awarded?

Mr. KING: Unfortunately, I cannot see those.

Mr. McLEAN (*Melfort*): I would like to ask the Chairman if his decisions or his actions have been influenced at any time—I mean changed—by the audit work carried on during the months or years? Has it affected your decisions?

Colonel THOMPSON: Speaking personally, I would say, no.

Colonel LAFLECHE: It is the impression of those whom I represent, Mr. Chairman, that the decisions of the Auditor General do influence the decisions of the Board of Pension Commissioners. The fear is, however, that the decisions to be rendered might be influenced, particularly when one realizes that the preparatory work in connection with the pension claim is done by a subordinate staff. I have expressed, sir, the feelings of those whom I represent. I am very glad to say that this is a new innovation, and it has not gone very far as yet. Might I ask a question, sir?

The CHAIRMAN: Yes.

Colonel LAFLECHE: Have the powers vested in the Auditor General ever been submitted for an opinion to the Department of Justice in this particular connection?

Mr. KING: No, they have not.

Sir EUGENE Fiset: That is exactly what I was coming to, Mr. Chairman.

Colonel LAFLECHE: May I complete this? When the matter first came to my attention several months ago I wrote a letter to the Department of Pensions and National Health, and I expressed to them the fear that our adjustment officers had, in this connection, and I see this sentence in the reply:

The Justice department informed the Board of Pension Commissioners that he (meaning the Auditor) could not in any way question their judgments, that he must confine his work to the ordinary duties, viz., to see that the proper payments were made after the award by the Board of Pension Commissioners.

I make this remark, Mr. Chairman, that if this ruling had been made by the Department of Justice why does the representative of the Auditor General claim here this afternoon that he pretends to have the right to question the medical evidence; how does he arrive at that? I see some danger there, something that is not entirely as it should be.

Sir EUGENE Fiset: Do you realize that the statement has been made by Colonel Thompson, and also by Mr. King himself, that the Board of Pension Commissioners have nothing whatever to do with the payments of those pensions. They are paid altogether by another department than the Board of Pension Commissioners. If the auditing is to be carried on it should start first with the department itself, that is, the auditing of the expenditure itself. How on earth can they approach the Board of Pension Commissioners, and ask them for certain files on simply the financial statement of the Department of Health, that such a pension has been paid. I cannot possibly understand it.

Mr. ADSHEAD: How could the decision of the Auditor General influence the award after the award is made?

Colonel LAFLECHE: They create, perhaps, a precedent in the working out of the cases, which would be reflected possibly in the awards by the commission later on.

The committee adjourned, to resume on Monday, the 7th of April at 4 p.m.

APPENDIX No. 5.

Professional and Qualification Standing of certain Medical Advisers of the Board of Pension Commissioners.

THE BOARD OF PENSION COMMISSIONERS FOR CANADA

M. U. VALIQUET, B.A., M.D.

College Education:

Graduated in Arts, June, 1901, with degree of Bachelor.

Medical Qualifications: M.D. degree 1905.

Laval University, Montreal.

Interne, Notre Dame Hospital, Montreal, 1905-1906.

Post graduate course in England and France 1906-1907, specializing in Surgery.

Medical degree from College of Physicians & Surgeons, State of Minnesota, U.S.A. in 1907.

Medical and surgical practice in Minnesota 1907 to 1912.

Medical and surgical practice in Ottawa, Ont., 1912 to date of enlistment in C.E.F. September, 1914.

Army Record:

Served with 1st Canadian Division at Valcartier, Salisbury Plains and in France: No. 1 General Hospital, No. 2 Field Ambulance, Medical Officer to 7th Battalion, 3rd Battalion, 1st Battalion, 22nd Battalion, 4th Artillery Brigade, 2nd Ent. Bn., and Medical Officer to General Base Depot, Etaples. Evacuated from France on 25-9-18 on account of a Phlebitis of right leg. Hospitalized at No. 3 London General Hospital (Wandsworth) until 15th of December, 1918, when transferred to No. 16 General Hospital Orpington with "light duty." Discharged from the army on 27th of April, 1919.

Post Discharge Period:

Joined the staff of the Board of Pension Commissioners the day following discharge from the army. Became B.P.C. Medical Examiner in Ottawa District Office in June, 1920, continuing in that position until June 1st., 1926 when recalled to Head Office.

Doctor N. M. HALKETT.

Medical Qualifications:

Queen's University (1908 to 1914).

B.A. Degree, 1913.

M.D. Degree, 1914.

Interne, Protestant General Hospital, Ottawa, 1914-15.

Licentiate, Medical Council of Canada, September, 1914.

Army Record (C.E.F.):

Qualified Lieutenant and Captain, November, 1914.

Appointed Captain and Medical Officer, 77th Battalion, C.E.F. 31-8-15.

Embarked for England with 77th Battalion, C.E.F., 19-6-16.

Appointed to A.D.M.S. Staff, Bramshott Camp, England, on disbandment of 77th Battalion, C.E.F.

Proceeded to France, 14-3-17.

Medical Officer, 4th Can. Labour Battalion, March, 1917, to August, 1917.

Medical Officer, 38th Can. Infantry Battalion, August, 1917 to December, 1918. (Awarded Military Cross.)

No. 3 Can. General Hospital, December, 1918, to April, 1919.

Returned to Canada, 6-6-19.

Post War:

Assistant Medical Adviser, B.P.C. (temporary) from June, 1919, to November, 1919.

Granted Commission (Captain) in R.C.A.M.C., Permanent Active Militia, 1st April, 1920.

Medical Officer, The Royal Canadian Regiment, 1st April, 1920, to 31st March, 1921.

Medical Officer, Royal Canadian Dragoons, 1st April, 1921, to 31st March, 1926.

Medical Officer, Royal Canadian Air Force, 1st April, 1926, to 31st March, 1929.

Medical Officer, Royal Canadian Horse Artillery, 1st April, 1929, to 20th August, 1929.

Resigned Commission in R.C.A.M.C. (to accept appointment on Medical Staff of B.P.C.), 20-8-29.

Granted Rank of Major, Reserve of Officers, on retirement from the Permanent Active Militia, 31-8-29.

Appointed Assistant Medical Adviser, B.P.C., 26-8-29.

Division: Diseases of Heart and Lungs.

Dr. W. J. M. MARCY.

1. *Medical Education*.—(a) Date of graduation, 1909; (b) University, Toronto; (c) Degrees, M.B.—Honour graduate and medalist; (d) Post graduate work—Six months with private practitioner, and six months in the Erie County Hospital, Buffalo, N.Y., as interne on Ward for tubercular patients with an average of about one hundred patients.
2. *Private Practice Prior to Enlistment*.—Three years and eight months private practice in Village of Belwood, Ontario, and one year in Parry Sound General Hospital; part of this year in charge of the hospital while the Superintendent, Dr. Stone, was on a trip to Europe.
3. *Complete Description of Army Service from Enlistment to Discharge*.—Enlisted in May, 1915, with the R.A.M.C. and served in France, at the Dardanelles and at Salonica with No. 1 Canadian Stationary Hospital, which was treating British Troops and not located with the Canadian Forces. Rank: first lieutenant, and later Captain. Discharged in July, 1917, because of malaria contracted at Salonica.

4. *Occupation Since Discharge to the Present Time (given by years):*—Following discharge in private practice in the Town of Fergus, Ontario, until September 3, 1918. On September 3, 1918, taken on strength of Board of Pension Commissioners at Ottawa and served since that date with the Board of Pension Commissioners.

DR. W. A. BURGESS.

1. *Medical Education:* (a) Graduated 1910; (b) University—Western University; (c) Degree—M.D.; (d) Post Graduate Work—one year as interne in hospital.
2. *Private Practice Prior to Enlistment:* May, 1911—August, 1914.
3. *Army Service:* C.A.M.C., August, 1914—September 30, 1918. France and Belgium 14-2-15 to 27-1-16 and 7-5-16 to 2-6-16.
4. *Occupation since discharge to present time:* September 30, 1918—present date, Assistant Medical Adviser, B.P.C.

H. T. DOUGLAS.

Born—November, 1888. Present age, 41.

Graduated—McGill, 1912, with degree of B.A., M.D.C.M.

Did Hospital Interne work up till joining Army in the Fall of 1915—Montreal General Hospital, Lying-In, and Bellevue Hospitals, New York, and Regina General Hospital.

Military Service from Oct., 1915 to Jan., 1918, with the R.A.M.C. Went to France Nov. 6, 1915, and stayed there (except for a month), till Jan. 13, 1918. Served with the 46th Division, the 49th Division, and No. 16 General Hospital. For the greater part of this time was M. O. of two Infantry Battalions, namely, the 4th Leicesters (46th Div.), and the 6th Bn. West Yorks, (49th Div.). For roughly one month, was stationed on the Suez Canal, when half of the 46th Division was sent there from France for a short time, in Jan., 1916.

Returned to Canada from England in March, 1918, and started in general practice in Ottawa and continued in practice till Jan., 1926. From Sept., 1918, did work as Medical Representative, D.S.C.R., Ottawa, on a part time basis.

In Jan., 1926, became a full time Medical Representative of the D.S.C.R., Ottawa, and in April, 1926, was seconded to the British Ministry of Pensions' office in Ottawa, as Assistant Medical Adviser, and believe I received very valuable training there as qualification for becoming Assistant Medical Adviser to the Board of Pension Commissioners.

In May, 1929, returned to the Canadian service, as Assistant Medical Adviser to the B.P.C.

MEMORANDUM IN RESPECT OF DR. ALBERT T. BOND.

1. (a) Graduated 1903; (b) Toronto University; (c) M.D.; (d) Post Graduate work in New York Post Graduate Hospital, 1909.
2. Private practice from 1903 to 1915.

3. Enlisted C.A.M.C. April, 1915, for service with the R.A.M.C. from July, 1915, to July, 1917. Saw service in Canada, England, France and Salonika. C.A.M.C. from July 17 to October 28, 1917.
 4. Transferred from C.A.M.C. to the Board of Pension Commission October 29, 1917, uninterrupted service since with the Board of Pension Commission.
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DR. C. M. KEILLOR.

1. *Medical Education:* (a) Date of graduation, 1914; (b) University of Western Ontario; (c) Degrees—M.D., M.C.P., S.O.; (d) Post Graduate Work—Victoria Hospital, London, and Homewood Sanatorium, Guelph.
 2. *Pre-war practice*—not applicable.
 3. *War service:* C.A.M.C.—Jan., 1915 to May, 1915; R.A.M.C.—May, 1915 to Oct., 1917; C.A.M.C.—Oct., 1917 to Feby., 1919. Service: France and Dardanelles.
 4. *Occupation since discharge:* February, 1919 to May, 1920—Board of Pension Commissioners; May, 1920 to April, 1922—Private practice—Kingsville; April, 1922 to date—Board of Pension Commissioners.
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DR. H. M. BARNES.

1. *Medical Education:* (a) Date of graduation; (b) University; (c) Degrees; (d) Post graduate work.
1913 B.A.
1916 M.D.C.M. Queen's University.
 2. *Private practice prior to enlistment:* Nil.
 3. *Complete description of army service from enlistment to discharge:* Enlisted March, 1915, and served in England and Egypt with the Queen's University Hospital. Returned to Canada to complete medical studies and discharged April, 1916. After being graduated took hospital work in Toronto (Western Hospital) until Spring of 1917. Re-enlisted Spring of 1917 and was M.O. at Spadina Military Hospital and Euclid Hall, Toronto, until October, 1917. Transferred to the Board of Pension Commissioners October, 1917.
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DR. W. O. GLIDDEN.

1. *Medical Education:* McGill University—B.A. Degree 1909; M.D.C.M. 1911; L.C.P. and S.O. 1912. Post-graduate work: One year Royal Victoria Hospital under Doctors Martin and Colin Russel; two years New York Neurological Institute under Doctors Dana, Collins and Elsberg; six months in charge Private Sanitarium outside New York City.
2. Neuropsychiatric Consultant private practice to 1918.
3. No Army Service.
4. 1918 to present—Board of Pension Commissioners for Canada, in charge Neuropsychiatric Section.

Dr. J. D. SHIELDS.

1. *Medical Education*: (a) Graduated—1913; (b) Toronto University; (c) Degree—M.B.; (d) House Surgeon—St. Michael's Hospital, Toronto, 9 months.
2. *Private Practice*: (pre-enlistment)—20 months.
3. *Army Service*: Enlisted—C.A.M.C.—October, 1915; Transferred—R.A. M.C.—November, 1915; Regimental M.O.; France—January, 1916, to November, 1916; Hospital work—C.A.M.C. and M.H.C.C.—November, 1916, to September, 1917.
4. *Post discharge occupation*: Assistant Medical Adviser, Board of Pension Commissioners, September 1, 1917, to date.

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SESSION 1930

HOUSE OF COMMONS

GOVT PUBNS

SPECIAL COMMITTEE

ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7—MONDAY, APRIL 7th, 1930

EVIDENCE—Col. L. R. LaFlèche, Dominion President, Canadian Legion, B.E.S.L., *Re* Recommendation to amend Section 32, ss. (1) and (2), Widows' Pensions; Mr. Richard Myers, Amputations Association, *Re* Recommendation to amend Section 11, by adding new subsection, pensioners reaching certain age to be advanced one class of pension; Col. Thompson—Comments on Questions arising therefrom.

Communications and Resolutions referred to Sub-Committee.

OTTAWA
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1930

MINUTES OF PROCEEDINGS

COMMITTEE ROOM 368,

MONDAY, April 7, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Black (Yukon), Fiset (Sir Eugène), Gershaw, Hepburn, Ilsley, MacLaren, McPherson, McLean (Melfort), Manion, Power, Speakman, and Thorson—13.

Honourable Senators present: Messrs. Béland, Graham, Griesbach, MacArthur, and others.

In attendance: Officers of the Dominion Executive of the Canadian Legion, B.E.S.L.; Representatives of Provincial Commands of the Canadian Legion; the Chairman and Commissioners of the Board of Pensions; the Chief Medical Adviser, and many others.

The Committee proceeded to consider the recommendations submitted by the Canadian Legion to amend the Pension Act.

Col. L. R. LaFLECHE was recalled for evidence.

Proposals 3, 4 and 4A to amend Section 32, subsections (1) and (2) in respect to pension payable to the widow of a member of the forces where marriage was contracted after the appearance of the fatal injury or disease, etc.

In the course of the evidence given by Col. LaFlèche, Col. Thompson of the Board of Pensions was also examined regarding the number of widows who would be benefited should the Legion's recommendation be accepted, and also as to the amount they would receive.

Mr. Richard Myers was re-called for evidence in respect to Proposal 4A to amend Section 32, subsection (2). And, also in respect to Proposal 4B to amend Section 11 of the Pension Act by the addition of a new subsection in respect to a member of the forces entitled to a pension in any of classes 1 to 11 inclusive as set out in Schedule "A" of this Act. Such pensioner upon reaching the age of 55 years to be advanced one class in the said schedule, etc.

The Chairman referred the following communications to the sub-Committee on Communications and Resolutions:

(1) Recommendations of the Cornwall Branch of the Canadian Legion, dated March 24, regarding returned soldiers discharged A1 whose disabilities have gradually increased since then.

(2) Letter, January 15, Royal North West Mounted Police—That men wounded in Rebellion of 1885 be on the same status for pension as the Great War Veterans.

(3) Letter, March 4, from Major A. C. Lewis, Toronto—That Canteen Funds Act be not amended before the various Boards of Trustees have reported upon the proposed amendment or amendments.

(4) Resolution from Windsor Post No. 14, of the Canadian Legion with letter recommending a home for ex-service men in Ontario where occupation would be light work, etc.

(5) Letter and Resolution from Fort Garry Unit, Army and Navy Veterans in Canada, Winnipeg, Manitoba—In behalf of approximately 120 men of all ranks who came to Canada prior to 1914 and enlisted in the C.E.F.—that suitable provision be made for such men. Signed by J. H. Rothery.

The Committee at 6 o'clock adjourned until to-morrow, Tuesday, at 11 a.m.

MINUTES OF EVIDENCE

COMMITTEE ROOM 368,
HOUSE OF COMMONS,
MONDAY, April 7, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 4 o'clock, p.m., the Chairman, Mr. C. G. Power, presiding.

The CHAIRMAN: Colonel LaFleche will present the case on behalf of the widows.

Colonel LAFLECHE recalled.

The WITNESS: This is section 32 of the act, Mr. Chairman. I think all of the members of the committee have copies of our proposal, which reads as follows:—

Section 32, Subsection (1)

That Section 32, Subsection (1) of the Pension Act be repealed, and the following substituted therefor:—

That no pension shall be paid to the widow of a pensioner unless she was living with him or was maintained by him or was, in the opinion of the Commission, entitled to be maintained by him at the time of his death, and for a reasonable time previously thereto.

No pension shall be paid to the widow of a member of the forces unless she was married to him before the appearance of the injury or disease which resulted in his death,—

- (a) Unless she was married to him before the date of the coming into force of this Act;
- (b) Unless when marriage is contracted after the date of the coming into force of this Act, he, a member of the forces, is able to obtain from the Commission a certificate to the effect that he has a reasonable expectation of life.

Explanatory Note

The amendment to the Pension Act of 1928 was intended to create certain exceptions to the principle that no pensions should be granted to the widow of a member of the forces where marriage was contracted after the appearance of the fatal injury or disease. It has been observed that the amendment has failed to solve the problem in respect of cases where death resulted from a pensionable disease.

I do not intend to be lengthy on this point, Mr. Chairman. I would like, however, to refer the committee to page 65 and following pages, particularly, of the proceedings of the Committee on Pensions and Returned Soldiers' Problems for 1928. The recommendations brought down by the committee two years ago will be found on page XII of the same report.

I may say that we realize the difficulty that you are bound to encounter when thinking out a proper solution of this situation. I should like to say a word about the result of the amendment to the Pension Act of 1928, which you

gentlemen were really responsible for. We thought—and I am sure you gentlemen thought—that that amendment would relieve the situation very much. I must say, however, that in our experience—as well as my own experience—we have known of a number of very meritorious cases which the act as at present constituted cannot relieve. We maintain it is not right to fail to provide a pension for the widow of a man merely because the husband disabled at a time prior to the marriage. We also very respectfully desire to take exception to the unusual, and, I think, unwarranted stress which has been laid on the point of the deathbed marriage. As nearly all of you gentlemen are returned soldiers and, I hope, in all cases husbands, I would ask you to think what it is to allow an accusation to lie against all women who married men after they had returned from the war, because I fear that is the way it is being taken very largely, and, in view of the repeated expressions of fear of the so-called deathbed marriage, I am afraid that the women of Canada have reason to believe that they have been unjustly accused in that respect. Up until now, there has been no incentive for any woman to marry a disabled man in the hope of obtaining a pension, because under the law there has been no provision provided for, and I do trust that that fact will relieve all fear of these deathbed marriages having taken place on that account. I would call to your attention, gentlemen, the fact that the National Council of Women has and is still supporting very strongly our contention in this regard. There are other associations of women, the few that are not under the National Council of Women, also supporting us in this recommendation.

By the Chairman:

Q. Would you tell us, Colonel LaFleche, just what objection you have to the amendment as passed by the Senate and the House of Commons in 1928, that is, specifically?—A. Well, Mr. Chairman, in the cases which have come to our attention, meritorious cases, it has been impossible for the responsible commission to give relief to the widows under the present act, and one of their great difficulties, I believe, has been because of their inability to interpret the term “chronically ill,” which is found in section 32 (b).

Q. Would you read that section, please?—A. It reads as follows:—

(b) Unless he was not chronically ill of a pensionable disease and not in receipt of pension in respect thereof.

The members of the Pension Board are here, and probably you would like to call on them to ascertain how they interpret that clause. I should like to be permitted, however, to explain to you how we believe they interpret it. It is my belief that the term “chronically ill” is taken by the Board of Pension Commissioners, in so far as we are able to ascertain, to mean “chronic disease.” In many cases the man must necessarily have a chronic disease in order to establish entitlement, although the disease may be causing no disability. We cannot agree that the existence of a chronic disease is sufficient grounds to bar a widow.

The CHAIRMAN: I do not quite understand you in what you say in regard to chronic disease and entitlement.

The WITNESS: We are of opinion that the Board interpret the words “chronically ill” as meaning what we would say is a chronic disease; and we believe that a man may be suffering chronically from a disease without there being present any disability, or any appreciable disability.

By the Chairman:

Q. Not a disability which may cause death, probably? Is that what you mean?—A. Yes.

Mr. MACLAREN: Not in danger of immediate death.

The CHAIRMAN: I think perhaps we require further explanation, as it is not quite clear to me yet.

By Mr. Hepburn:

Q. Could you give us any special case in which a pension has been refused?
—A. First of all, I must confess that it is not my duty nor do I occupy myself with many personal claims, but I remember one which came to my attention, because the man was a comrade of mine at the front. He died, I think, of pneumonia followed by failure of the heart. Entitlement was granted by the Board on the fact that the man had suffered during the war, on war service in the front line. His children were granted a pension, but his widow was not. I understood it to be upon the interpretation of the expression "chronically ill," but we thought it to be a case such as should be provided for.

By Senator Griesbach:

Q. He was chronically ill at the time of the marriage; was that the ground for the refusal?—A. We understood that to be the ground for refusal.

Q. That he was chronically ill at the time of the marriage?—A. Yes, although upon looking up the records we find a record to the contrary, that he was not disabled. He was suffering from it, we admit that, but there was no disabling condition at the time of the marriage.

Q. There was no pension at the time of the marriage?—A. No.

Q. Had he applied for a pension?—A. He had never applied for it, I understand.

By Mr. Hepburn:

Q. You realize that it opens up a very wide question of death-bed marriages?
—A. Yes.

Q. We have had little experience of that, but there has been much experience with that sort of thing in the United States, where there will be pensions for another generation to come, and when we compare the population of Canada with that of the United States, you see the field we may open up?—A. I understand it, sir, and fully agree.

Q. I would rather see that, so that we can give the benefit directly to the man who saw service at the front, than to let in people who might in turn exploit the returned soldier, as has been done in the United States.—A. There has been no inducement for a woman to marry a man, so far; and in so far as the future is concerned, we presume to offer something by way of a safeguard.

Q. In what way?—A. For instance, supposing this amendment to the Act was to come into effect to-day, we offer as one safeguard—and I might be able to suggest others if the Committee would ask for them—(Reading):

(b) Unless when marriage is contracted after the date of the coming into force of this Act, he, a member of the forces, is able to obtain from the Commission a certificate to the effect that he has a reasonable expectation of life.

Q. But you put a very serious obligation on the Pension Commissioners again.—A. It is much more serious now, when they cannot relieve cases of merit.

The CHAIRMAN: I happened to be very familiar with the case which Colonel LaFleche has mentioned; he was a friend of mine; he died in 1929, but he had suffered whilst on service from a bad cold and fever and rheumatism, he was often laid up. There is evidence from the medical officers of his battalion to that effect; and he died of pneumonia in 1929. It was possible to trace all the way through from 1929 back to his service at the front a condition which would

indicate that his lungs had been affected and that he might, possibly, as a result of his war service, from a disease which originated on his service, have died as he did die. There was along those lines such clear evidence that the Board of Pension Commissioners pensioned the children on the ground that the man had died as the result of a disease incurred on service. Then the question came up of arranging a pension for his widow, and it was made quite clear that the widow had no knowledge of this man's illness, which continued all the way along until 1929, when it was shown from the doctors' certificates that he had suffered from this disease continuously; and the Board very properly, if they interpret "chronically ill" in the way they do, ruled that he was chronically ill at the time of marriage and until he died, and therefore his wife was not entitled. The words of the statute are that she shall not get pension unless he was not chronically ill of a pensionable disease and not in receipt of pension in respect thereof; and he was chronically ill of a pensionable disease.

Hon. Mr. MANION: Had he applied for a pension?

The CHAIRMAN: No, never. There was no question about the widow's perfect good faith. I am not saying that the Board was justified, but if, under the statute, they interpret "chronically ill" to be a disease which is always with you, and they interpret "chronic" to mean that, perhaps they are justified in refusing the pension.

Senator GRIESBACH: The evidence on which the pension was granted to the children was also the evidence on which they refused the pension to the widow?

The CHAIRMAN: Yes, there is no question about that, and that was rather tough luck.

By Mr. Hepburn:

Q. Was that not an unusual case?

Colonel THOMPSON: I know the circumstances of the case referred to by the Chairman. Uncontrovertible evidence showed that this man was ill from 1916 to 1929, not only by the certificates for each year, but by several other things, and there was no shadow of doubt about it; and when the man died we granted a pension to the children; but of course on that same evidence pension was refused to the widow.

There is another side to this pension question, namely, that there are a number of cases where a man was critically ill of a disease, but the disease had not made its appearance, and those widows are now pensioned. For instance, supposing a man had some condition on service, and he was discharged fit, and then he marries some time after that; and then after his marriage, supposing tuberculosis or nephritis appears, and he applies for a pension; in a number of instances we have granted that pension, and in the event of his death have also pensioned the widow and children. You see the words "chronically ill" do not stand absolutely by themselves, because there is a further provision there of which we take cognizance, namely, that if the injury or disease had not made its appearance prior to the marriage, they would be pensionable. Of course many men who were chronically ill prior to the passing of the 1928 Act, many of those widows are now pensioned under the old statute, because although he was chronically ill the disease had not made its appearance. So that under the amended Act, the widows who are barred are those who married men who were suffering from a chronic illness and which chronic illness had made its appearance prior to the marriage.

I have not the exact records by me, but I can get them for the Committee. We reviewed about a thousand cases and there have been some since, call them 50 or 100, and out of the thousand cases some fifty odd were admitted.

Hon. Mr. MANION: In this case, beside granting a pension to the children, was there any back pension granted?

Colonel THOMPSON: - No.

Hon. Mr. MANION: In view of the fact that they refused a pension to this man's widow because he was chronically ill of a pensionable disease at the time of the marriage, that means that if he had applied for a pension he would have got it, I take it; and in view of the fact that the children were given a pension, as they have not given the widow a pension, should not the children get a pension back to the date of the discharge?

Colonel THOMPSON: If the children are entitled to the back pension, the widow would be entitled also to the pension, because the statute says that where a man is discharged fit and subsequently is entitled to a pension, he shall be entitled to pension from the date of application or, in certain cases, six months prior to that date. Now, if the children had been entitled to pension at his discharge, the man would have been entitled to his pension at discharge, because the pension during his lifetime depends, first of all, upon his entitlement, and the children's pension is graded in proportion to the amount of his pension. So that, supposing as a matter of fact this man was found to be at discharge 100 per cent disabled, from discharge to his death, call it nine years, he would be entitled, if he had applied for pension in, say 1929, to 100 per cent back for that period, if he had made application and was eventually entitled to it; or supposing he had been discharged and there was a notation on his documents showing this, which would carry it back, if he had a pensionable condition at discharge, now, as he was dead, he could not be paid that pension, but we would carry the pension back to discharge, and pay the unpaid pension including the additional pension to the wife, to the widow.

Senator GRIESBACH: Did you do it?

Colonel THOMPSON: Because we were not empowered to do it by the Statute. That was one of the resolutions brought forward by the veterans' body.

Hon. Mr. MANION: Because he was suffering from a pensionable disease, no doubt if he had applied for it, he would have received his pension?

Colonel THOMPSON: Upon establishing his claim.

Hon. Mr. MANION: He apparently established it after he was dead, and so should have been entitled to it when he was alive.

The CHAIRMAN: He was carrying on his regular work, you see.

Mr. McPHERSON: The section barred his right from the start.

Colonel THOMPSON: That is with regard to the payment of pension to the widow, but that is not in regard to the back pension of the man, which ought to have been paid to the widow and under the statute we cannot do it.

Hon. Mr. MANION: Supposing, since you have established a pension for the children, in view of that, an application had been made that these children should get a back pension, as the father no doubt would have got a part of the pension since he was suffering from that disease, should not the children have got a part of the back pension?

Colonel THOMPSON: We cannot pay the children a pension as while the man is alive their right merges with the man's pension; it is an addition to his pension and is not an independent pension. Neither the children nor the wife, while the man is alive, is entitled to any pension as of right; it is simply an allowance for the support of his wife and children, and that depends upon the need.

Hon. Mr. MANION: Some pension would have been granted to the man, since he was suffering from a pensionable disease, and some pension to which he would have been entitled has not been given?

Colonel THOMPSON: Yes, that is right. I do not know what the man's disability was.

The CHAIRMAN: He carried on with his ordinary avocation, no doubt.

Colonel THOMPSON: Supposing that man had made an application for a pension at first and had said, "I have some internal derangement" and we had refused pension, and then he had allowed the time to go on, and in 1929, he had again applied and produced all this evidence which we speak of, and which is on the file, and had then established his pensionable right, we would have carried his pension back to discharge and estimated his disability.

Mr. HEPBURN: If it can be proved that the man was discharged as physically fit, in error, then it is possible under the present Act to make his claim retroactive to the time of his discharge. Now, does not that right extend to all other beneficiaries under that particular claim? If a man is pensionable in a retroactive way, are not all his dependents or beneficiaries entitled in a similar way?

Colonel THOMPSON: That is the very point I was just explaining to Dr. Manion. If this man had applied at discharge, say, for a pension and we had refused it, or if he, for instance, had shown that he had lost part of his hand and we refused a pension then he would have been discharged in error, because he had lost part of his hand; and then if he establishes his claim in 1929, or dies before his claim is established, and entitlement has been granted, we would pension the widow and children back to discharge, not at their full rate, but at the rate that he would have received as the head of the family and in proportion to his disability.

The WITNESS: Mr. Chairman, may I come back to that point again, the case that all of us are thinking of and speaking about? Here is a young girl who married this man. He was suffering from a chronic disease, and that is admitted, of course, and it is proven; but I happen to know, and you, Mr. Chairman, know personally, that the man, although he may have been disabled to some slight degree, yet it was not apparent casually, nor perhaps would the man have allowed it to be seen; he would have done everything possible to hide it, had the chronic disease brought about a disablement.

Hon. Mr. MANION: What was his occupation?

The WITNESS: He went back into the permanent forces after an exceptionally good service in France, and did very good work in the permanent forces; and this girl married that man, with nothing to make her believe that he was chronically diseased or suffering from a chronic disease. I am sure she never thought of it, and there was nothing to point to it; and most certainly had that man come before the medical officers of the Board of Pension Commissioners they would not have told him, nor even believed that his expectancy of life was in any way decreased by the chronic disease which they would have found in him, but which later, however, did result in his death. This is a very good illustration of the case where a girl marries a man after he is returned from the war, and later that man dies, although when she married him, neither she nor he nor any of their friends had the slightest suspicion that his life had been or was going to be cut short by his overseas experience.

By Senator Griesbach:

Q. Was he serving in the permanent force when he married?

The CHAIRMAN: Yes.

Sir EUGENE Fiset: Had he served for the full time?

The WITNESS: He did not serve quite ten years, sir. Under the present Act the Pension Commissioners have power to grant a pension to the widow.

By Mr. Speakman:

Q. It is on the question of good faith, and if the girl marries in good faith, and if the husband dies unexpectedly of a latent disease which was unknown at the time of the marriage, she should be pensionable, and no marriage which has taken place up to the present time could have been entered into in any other than good faith, because of the condition of the law, and we can safeguard it for the future.—A. That is certainly what I am attempting to maintain, sir. But I would go further and say that I know no woman who is capable, on the very small chance, of marrying a man to-day and in case of his death expecting Parliament later on to make her eligible for a pension. Therefore, I again say that I cannot accept it as a fact that any marriage has taken place with a view to securing a pension for the widow. Let us say there have been one or two with hopes but in ignorance of the law. On the other hand, we have been making a number of widows suffer through our fear of these "bad sisters," we will call them.

Mr. HEPBURN: Now, in the discussion two years ago, we had a little bit of the history as to dependents in the United States following the Civil War. The statement was made that the big demand for pension with respect to dependency claims, came in 1913, that was forty-five years after the war.

Mr. THORSON: I thought it was 1920.

Mr. HEPBURN: No, 1913, according to Mr. McPherson. I took exception to that last year, and I do this year, unless we could put certain safeguarding regulations within the Act.

Colonel LAFLECHE: May I say, Mr. Chairman, very definitely, that we returned soldiers would follow to the end if we thought our suggestion from that would turn out as it did during the Civil War. We have attempted to give you a safeguard to guard the treasury, and if this hoped-for amending act comes into effect, we are perfectly ready and anxious to find further safeguards.

The CHAIRMAN: Take your second clause B: "No pension shall be paid to the widow . . . unless when marriage is contracted after the date of the coming into force of this act, he, a member of the forces, is able to obtain from the commission a certificate to the effect that he has a reasonable expectation of life."

In the case which we have been discussing, it is altogether unlikely that this man would have gone to the commission to ask for a certificate that he had a reasonable expectation of life, because I knew him well enough to know that he thought he had a reasonable expectation of life, and I do not think he would have taken that precaution.

Hon. Mr. MANION: Suppose he had gone to the commission, would they have given him that certificate?

The WITNESS: They do in applications for life insurance.

Hon. Mr. MANION: The insurance company insists upon that.

By Mr. Gershaw:

Q. Just in that connection, would that be fair to all returned men? That is, would returned men all know about that; would they take the trouble or precaution to be examined and get a certificate from the commission, and in some cases would they know to whom they should apply? Say a man in British Columbia, to whom should he apply?—A. All the units of the Department of Pensions and National Health would know about it, all the medical officers of the Pension commission throughout the country would know about it, and all branches of soldiers' organizations would know about it, and it would be in the interests of the soldiers to make this fact very well known to the intending bridegroom.

By Mr. McPherson:

Q. What would be the effect if it were made that no marriage hereafter shall come under it?—A. I have not thought very much about that particular thing, and on the spur of the moment I would say it would make it much better than it has ever been; there is no doubt about that. In the future, and perhaps when youth has somewhat diminished during passing years, none of us are twenty-four years old any more, and not so many are taking place as readily as before. There is something in what you say.

The CHAIRMAN: What do they do in England? Is it along the line suggested by Mr. McPherson, that legislation took place in England?

Colonel THOMPSON: No.

Mr. HEPBURN: Do you know, Colonel Thompson, what procedure is taking place in England?

Colonel THOMPSON: I cannot state definitely.

The CHAIRMAN: I think a time limit was placed on it.

Mr. BOWLER: Ten years after discharge.

The WITNESS: Ten years after the war; make it ten years after discharge if you want to.

Colonel THOMPSON: If a man dies in England after a period of seven years, even if he dies from disability, there is no pension.

Mr. HEPBURN: I think Mr. Bowler made the statement that the United States law extends ten years to date of discharge.

Mr. BOWLER: That is correct, to the best of my knowledge.

The WITNESS: I thought you meant marriage ten years after discharge, which would be satisfactory. Marriage any time ten years after discharge would mean he would have had plenty of time to establish himself in civil life. Marriage is active establishment in life, and it is a moral thing too.

Mr. SPEAKMAN: There is no question that any marriage that has taken place before the coming into force of the act, could not be suggested to be anything but a case of being in good faith. As to future marriages, we have to be careful to safeguard and prohibit any abuse. There is no question about marriage up to that time, and there was no case of securing a pension in expectation.

Mr. HEPBURN: It would be hard to repeal anything we put in the act.

The WITNESS: Gentlemen, you would be placing a perfectly reasonable safeguard if you were to make it a condition that the intending bridegroom secure a certificate of the reasonable expectancy of life before marrying, after the coming into effect of this amending act.

By Hon. Mr. Manion:

Q. Should we not go to this extent also, of making it incumbent upon the Board to make the examination and give the certificate if any man asks for a certificate?—A. Yes, sir, I believe that should be done.

Hon. Mr. MANION: Is there anything in the Act at the present time? We would have to cover that, surely.

Mr. MCPHERSON: Then you get in conflict with the Board, suppose they issue a certificate which is not satisfactory, then there is an appeal.

Hon. Mr. MANION: A certificate of one kind or another.

Mr. MCPHERSON: If this certificate is not satisfactory, then there is an appeal?

The WITNESS: You could make the opinion of the Board final on that.

Mr. HEPBURN: Maybe the Auditor General would step in again, and change the opinion of the board.

Hon. Mr. MANION: If the Board takes the stand that there is nothing in the Act to cover this then they do not have to give a certificate. Suppose that at the present time, without that amendment to the Act, some man wants to get a certificate of health, you would not take that as part of your duty to examine him and give him a certificate?

Colonel THOMPSON: No.

Hon. Mr. MANION: But with this amendment you would consider it to be your duty.

Colonel THOMPSON: Yes.

Sir EUGÈNE Fiset: Is it possible that it can be done?

Hon. Mr. MANION: You can, of course, do the same as is being done by all the life insurance companies.

Colonel THOMPSON: That arises in the case of insurance; if a man is not married and has no reasonable expectation of life, he is not entitled to insurance. We turn down a great many and now that is one of the classes that is being put forward by the soldier organizations, that this refusal of pension on the ground that there is not reasonable expectation, ought to be changed.

The CHAIRMAN: Refusal for life insurance, you mean?

Colonel THOMPSON: That the refusal of life insurance on those grounds ought to be changed. They are asking now that there ought to be conditional insurance. That is going to be a hardy annual if the Pension Board is compelled to give a certificate. That question came up before, and I think that I can speak on behalf of my two colleagues, that we would wish very much indeed that such a duty should not be imposed upon us. There are now, I am informed, probably seventy-five per cent of the pensioners married, but there are additional men always coming on pension and then there is going to be a large number in future who are going to get married, and who will ask for this certificate. Of course if Parliament imposed that duty upon us, we will no doubt give the certificate.

Mr. THORSON: You have no doubt that it will be given when there is reasonable expectation.

Colonel THOMPSON: We accept insurance, but if we refuse, we do not say that there is unreasonable expectation. We do not give the reason, we just say "rejected."

Hon. Mr. MANION: Just in order to clear that point up for the benefit of one who is not a medical man: In practice, all medical examinations are just for that purpose, to give the expectation, and they give that on the forms of the large insurance companies and on that largely, the policy is or is not granted. It is the same with regard to soldier insurance, so it is not an unusual thing in dealing with life insurance.

Colonel THOMPSON: The way we carry the insurance, if the man has lived four or five years, that is reasonable, so it goes on that basis. It is going to be a controversial subject.

Sir EUGÈNE Fiset: How many cases do you think you will have to review if this is made part of the law.

Colonel THOMPSON: About eight hundred.

Sir EUGÈNE Fiset: Would there not be more than that?

Colonel THOMPSON: If every marriage is blanketed, so to speak, up to date, about eight hundred more will be admitted. There are now seventy-five per cent of the pensioners married. I cannot tell, nor can anybody tell how many of

those men are going to die of their pensionable condition, and if they die on account of their pensionable condition, then seventy-five per cent of the 40,000 will be entitled to pension for their widows.

The CHAIRMAN: No, no; I think you are wrong there. Take the man that is pensioned for the loss of an arm, and he dies of pneumonia, his widow won't be pensionable.

Colonel THOMPSON: You come under the other section of the statute, that is for injury, Mr. Chairman.

Mr. THORSON: Not in classes 1 to 5?

The CHAIRMAN: Not in the first five classes when he dies from the disability, but when he dies from something else, his widow will not be entitled to pension.

Colonel THOMPSON: No, I am talking potentially only. One gets all sorts of cases and conditions, from the type that has been referred to, where a man has carried on all these years, from 1919, and was able to carry on very well in his active duties, you get them graded all the way from there to the case where a man has been 100 per cent tuberculous for ten years, he has married and died from that disease. You get all those extremes, and I can recall that we have had cases that have been refused, and cases that have been admitted under the amended act.

Sir EUGENE Fiset: Then, could you give any idea of the number, or would all cases come under it if this is covered by the Act?

Colonel THOMPSON: I know 800 would be admitted in cases of review.

Mr. GERSHAW: Can you give us a statement as to what the reasonable expectancy of life is? A doctor is often asked in connection with a life insurance application, if a man is likely to live ten, fifteen or twenty years, and having in mind his examination and the information tabled before him, what would be the position of this man in Clause (b)?

Colonel THOMPSON: Is that in the resolution?

The CHAIRMAN: No, it is in the Act. The words in the statute are "would not shorten his expectancy of life." That was the amendment in 1928. I might say that I think there has been no difficulty whatsoever with regard to the injury, that is, his injury which did or did not shorten the expectancy of life.

Colonel THOMPSON: The eleven hundred cases are all passed on by the full board, and I think some sixty or seventy were reviewed on request, resulting eventually in five awards being changed. It was quite clear that we had made some mistake in connection with those five cases.

Mr. GERSHAW: I was really thinking of this clause of the resolution, and assuming it was adopted by Parliament, how would we go about to find what the reasonable expectancy of life is?

Colonel THOMPSON: I could not give an answer offhand.

Hon. Mr. MANION: Would it not be like life insurance; if a man had an arm off, that would not affect the expectancy at all.

Mr. GERSHAW: Most of these men are getting on in years, and as age advances, the expectation is less.

Hon. Mr. MANION: Take the regular expectation of a man at the age of thirty-five; in the case of a man at the age of forty it would be less.

Dr. McQUAY: I may say that the insurance table will give you that.

Colonel THOMPSON: That is with regard to a sound man, the insurance table is with reference to a sound man, and the expectation at a certain age, as applied by the insurance companies, would not take into account a man with disabling conditions.

Hon. Mr. MANION: Oh, yes, a lot of insurance companies give insurance on sub-standard risks; they raise the premium.

The CHAIRMAN: Do you then give the expectancy of life in sub-standard risks?

Hon. Mr. MANION: Oh, yes, the big American companies often give us examinations which the smaller companies refuse.

Mr. ILSLEY: What do you consider the reasonable expectation of life?

The WITNESS: You are asking me, Mr. Ilsley?

Mr. ILSLEY: I can understand a man who is not sound, might possibly get a medical man to say that he has an expectation of life for a certain number of years, that is, five, seven or ten years, but that does not advance us further unless we know what is the reasonable expectation of life, because the Board of Pension Commissioners would be called upon to say that the man had a reasonable expectation of life. Take a man who is seventy-five years of age and in perfect health, his expectation of life might be two or three years, according to the tables; would you say he had reasonable expectation within the meaning of this proposed section, and if so, would his widow be entitled to pension if he died at that age?

Mr. THORSON: He means normal expectation.

The WITNESS: I would say that a man would have reasonable expectation of life if he were not so cut up and amputated as to make him live too sedentary a life or unless he were suffering from disease which is known to end fatally.

By Mr. MacLaren:

Q. In less than five years?—A. I would say, sir, that a man who lives five years from date of examination has proven his reasonable expectancy of life. That is a layman's interpretation, but I think it is a reasonable one.

By Sir Eugene Fiset:

Q. Your amendment does not take in the case of an aged man being married?—A. No, it does not touch upon that at all, I realize that. That is one of those safeguards which, in your wisdom, you might desire to consider. If you want us to find the safeguards we will attempt to do so, but we thought the Committee was fully capable of doing that.

Hon. Mr. MANION: Perhaps I might be able to throw some little light on the question. Here is what would appeal to me as a reasonable suggestion, if it is adopted: The man goes before the medical officer of the Board of Pension Commissioners, and is examined before marriage; he has to get a certificate from the medical officer who examines him thoroughly. He gets that certificate saying that according to their examination he should live for another twenty-five years. Let us assume that he is now forty years of age. That would probably be a normal expectation of life. They say he will live for twenty-five years, or whatever the case may be. If, on the other hand, instead of living for twenty-five years, he dies within two years from the same disease which they knew he possessed, and which was due to war, then it seems to me to be a fair suggestion to make that for the balance of that period for which they gave him a certificate the widow should get a pension. That would appear to me to be a fair proposition.

The WITNESS: You mean to say, make the widow pay for the error of the examiner.

Hon. Mr. MANION: No, I am taking the exact opposite view. Suppose, for instance, that a man had consumption, or had some lung trouble, and was examined, and the board said that this man is not good for more than ten years, but he is good for ten years—and any doctor who examined him thoroughly

would be able to make some estimate. A woman marries him on that. If he lives the ten years, she would get no pension, but if he died within that time she would get a pension.

The WITNESS: Will you permit me to point out what the normal reaction is in a woman's mind: She might hear of the opinion expressed by the medical examining officer, that the man would live another ten years; and I would like to ask what the ever-present temptation would be for that woman to do? It would be to neglect the man.

Mr. McPHERSON: Do you not think there is a stronger temptation on the part of those issuing the certificate to judge them all fairly healthy?

Hon. Mr. MANION: I do not think a woman would expect that the Board of Pension Commissioners is going to give a false certificate.

Mr. HEPBURN: I think that, if this principle becomes law, you are going to have a hard time maintaining any safeguards. It is a very dangerous thing.

The WITNESS: You mean by fixing the date after which the reasonable expectancy of life certificate must be obtained? We ask that it be from the date at which the recommendation would become law. Perhaps you may find it necessary to go backward a little in fixing that date.

By Mr. McPherson:

Q. If she is married before this act comes into effect she comes under the clause, and I think you are satisfied with that yourself.—A. I should like that to be brought about, very much.

Q. Why worry then about this?—A. Well, I have not had time to consider it; but if you were to give us only (a) I agree that it would be very generous on your part, and would be greatly appreciated. I should not like, however, to speak finally on (b) without thinking it over.

Q. We are leaving out a section which is very important, and which is based on that, if you will notice, that no payment can be made anterior to the date of 1928. Now we are changing that by two years.

Mr. SPEAKMAN: Speaking roughly, we are trying to deal with the case of marriage in good faith; we are certain those marriages are in good faith that took place prior to the coming into force of this act. By having all widows pensionable who married prior to the coming into force of this act, we would be covering all cases of pre-war obligation, and we would have covered the term of years during which marriages usually take place. I think there could be very little hardship of it were confined to that. We could absolutely safeguard the future.

The WITNESS: I should say, sir, that that is very convincing. I would not like, however, to go on record as accepting that finally. As I say, it is very convincing, although not entirely satisfying.

Mr. SPEAKMAN: I had another point in mind. If you set an arbitrary date, there is always the possibility of the Legion or any other body coming forward, asking that that date be extended. By setting a date as prior to the coming into force of this act you are drawing a distinct line between those who want to marry in good faith and those who may not marry in good faith.

By Sir Eugene Fiset:

Q. When you put that proposal before us, were you aware of the number of cases that would be immediately affected by this proposed legislation, that is, the eight hundred, as specified by Colonel Thompson?—A. I was, sir, and I was all the more grieved to think that so many women were in need, without having anything to live on.

Sir EUGENE Fiset: I expected much more than that.

The CHAIRMAN: Let us get that in real money. Colonel Thompson, what does it amount to, eight hundred at fifty dollars a month?

Hon. Mr. MANION: I think it is well worth our consideration.

Colonel THOMPSON: About \$600,000 a year. As I say, I cannot tell you how many who have already married are going to die of their pensionable condition.

The CHAIRMAN: Does the committee understand this question thoroughly?

By Mr. Black (Yukon):

Q. When you say "before the date of the coming into force of this act," you mean this amendment?—A. I mean the amending act, sir, which we hope will be passed at this session.

The CHAIRMAN: The next is No. 4, section 32 subsection (2).

The WITNESS: It is the next following paragraph of section 32:

2. Subject to subsection one of this section, the widow of a pensioner who has died and who at the date of his death was in receipt of a pension in any of classes one to five, mentioned in schedule A of this act, or who, except for the provisions of subsection one of section twenty-nine of this act, would have been in receipt of a pension in one of the said classes, shall be entitled to a pension as if he had died on service whether his death was attributable to his service or not, provided that the death occurs within ten years after the date of retirement or discharge, or the date of commencement of pension.

Our resolution, respectfully submitted, is:

That section 32, subsection (2) of the Pension Act be amended by the deletion of the following words:

provided that the death occurs within ten years after the date of retirement or discharge, or the date of commencement of pension.

We touched upon that a moment ago. We have been very greatly struck by the fact that it is generally accepted, I believe, that those men who suffered actual disability, whose blood was shed, we will say, losing an arm or leg, are, in the main, expected to live longer than the man who incurred disease on service. In fact, very few widows of men who suffered amputation, for instance, will be paid pension under the present law, although those women may have lived with disabled men practically all their lives. The present act, as we see it, does work a hardship upon the wives of those men who suffered serious disability in the line. Moreover, we do not think that it is the proper attitude to take, to debar or refuse a woman pension if the man has died, let us say, eleven years after the date of retirement, or discharge, or the date of commencement of pension. We think it is one of those arbitrary regulations for which there is really no justification.

Sir EUGENE Fiset: Was it discussed in 1928?

The CHAIRMAN: Yes. The question is this, that there is a presumption contained in this act, that the man who dies of a disability in classes one to five, that is, from 80 per cent up, will have died as a result of his war service, and without any question we give his widow a pension of right, provided he dies within ten years after retirement from the army. We did think that ten years was sufficient time to cover any special disability that he would have suffered from. Now it is hoped that this presumption will be extended over this man's entire life, that if he dies at the age of eighty, of something non-pensionable, of old age, his widow will be given a pension.

Mr. ILSLEY: We extended the time for the children, in 1928.

The CHAIRMAN: At the present time we think that if he dies within the ten years we can reasonably presume that it might have been caused by his wound although we cannot prove it.

Hon. Mr. MANION: And if he dies at eleven years the widow does not get a pension.

Mr. MCPHERSON: This section is restricted to a pensioner.

The CHAIRMAN: To a pensioner of 80 per cent disability. There is a presumption in favour of the 80 per cent disability man so that his widow will not have to prove he died of this disability, but for ten years.

Mr. THORSON: Under one of the amendments of 1928 I think we gave pension to children of a pensioner in classes one to five, no matter what he died of, no matter when he died.

The CHAIRMAN: Exactly.

Mr. THORSON: And it is now desired to extend this provision to the case of the widow.

The CHAIRMAN: We put in an arbitrary figure of ten years because, I suppose, we did not know what other figure to put in.

Colonel THOMPSON: It was first introduced for the purpose of taking care of amputation cases, because it was considered that they were running a greater risk in the ordinary vocations of life, but when the statute was eventually passed there was no special mention of the amputation cases, and therefore it now covers the cases of all who are in classes 80 to 100 per cent, and within ten years of discharge, or dying of some condition other than their pensionable condition.

Senator GRIESBACH: Within ten years of the pension.

Colonel THOMPSON: Or retirement.

Senator GRIESBACH: Before I go I would like to leave this thought with you, in connection with the interpretation of this section. You will note the words, "Commencement of pension". Here is the case of a man that I know of, whose case I am looking after, who was discharged from service with a small pension for a condition of the foot. In 1928 he was given a full pension. He died in 1929. He complies with the statute in this respect, that he had full pension and he died from another disease, but the Board of Pension Commissioners have held that the words, "Commencement of pension" did not refer to the pension, 80 per cent to 100 per cent, but refer to this pension for a foot complaint. Now that is an interpretation of the statute which is at variance with the intention of parliament, and I hope that when you come to consider that, you will have regard to that fact. Clearly it was the intention of parliament that it was the 80 to 100 per cent pension that the statute meant and not the minimum of pension dating back to an injury to a foot which was nothing at all, and which would not have shortened his expectation of life.

Colonel LAFLECHE: Would that cover the case of a man who was grievously wounded at the war and pensioned immediately on his return to Canada?

Senator GRIESBACH: No, this particular case is the interpretation of the statute, the words, "commencement of pension."

By Hon. Mr. Manion:

Q. Your claim, Colonel LaFleche, is I take it, that the woman who has lived for anything over ten years with a man who has an eighty per cent pension having both legs or both arms off has had to give him so much care and attention during the eleven or twelve years that no matter from what he dies, she should receive a pension?—A. Thank you so much, Dr. Manion, for putting that very fine interpretation upon the suggestion. Any woman who lives for so many years

with a disabled man has her life necessarily diverted into a certain channel, so much so that she has to continue in that same channel after the man dies; but if she receives no pension she is practically destitute, with nothing to live on. On these cases of pensions for widows, gentlemen, I am very earnest and sincere. I think a lot of these women suffer, and I can see no hope for them except in your hearts and mine, gentlemen.

By Hon. Mr. Manion:

Q. And there is the reason as well that during that time he would not have had any chance to lay anything aside since he was disabled?—A. Oh no, he could not do so.

By Mr. Thorson:

Q. Have we not also a reason from the Legion that clauses 5 and 7 should be changed?—A. I was going to invite you to listen to a gentleman from the Amputations Association, who has given a good deal of thought to this matter, and whom I should like you to call, Mr. Chairman. He has been a careful and studious worker for returned men, and perhaps he and his association have evolved some ideas, but which we have not yet had time to study or digest. I have talked them over once or twice with Mr. Myers, and I have found them very interesting, and he will put them up to you, if the Chairman will be so good as to call him. I cannot say that we put them up as ours, but I would like the Committee to hear what he has to say.

By Mr. McLean (Melfort):

Q. Before you leave this point, I think I understand and agree with your interpretation and that of Doctor Manion, but what about section 32?—A. You have two gentlemen at your right who have good views on that, Mr. McPherson and Mr. Speakman, and I was asked whether we would be content with our section 32, subsection 1, minus clause (b), and I said that I was not empowered to accept anything, and that personally I could well see their reasoning and could follow them personally, but not necessarily to a point where I would be entirely satisfied.

Q. Then you were asking that subsection 2 come under that provision, of the previous subsection suggested by you.—A. We are asking for the removal of the ten-year time limit, sir.

Q. I appreciate that, but would they come in under the clause suggested by Mr. McPherson and Mr. Speakman, "prior to the coming into force of this Act"?—A. Not unless you gentlemen were good enough to make (b) effective.

By the Chairman:

Q. Make (a) effective?—A. Yes, make (a) effective—if you made (a) effective, I think they would.

By Mr. Thorson:

Q. If you bring (a) into effect, then, of course, all of those cases would benefit by such changes as we might make in section 32, subsection 2.—A. That is quite right, sir.

Witness retired.

Mr. RICHARD MYERS recalled.

The WITNESS: Mr. Chairman, Colonel LaFleche read to you a resolution which referred to the deletion of the time limit in respect to classes 1 to 5. We have a resolution which hinges very closely on the resolution as brought forward by Colonel LaFleche, and that is:

That section 32, subsection (2) of The Pension Act be amended so as to include within the benefit thereof Classes one to eleven inclusive, mentioned in Schedule "A" of the Act.

This resolution is designed to take care of one of the greatest needs which has manifested itself since the Great War, the extension of the present principle, the principle that Colonel LaFleche was referring to and the elimination of the statutory bar. In other words, the recognition by the state of the right to a pension of the widow of the disability pensioner notwithstanding the cause of death. First, the statute at present provides for the widow of a pensioner who dies as a result of the injury, disease, or aggravation thereof, in pre-disability marriages and certain post disability marriages. Second, provision is also made for the widow of a pensioner in classes 1 to 5, providing he dies within ten years from discharge, whether or not death was attributable to service. There is real merit in the last mentioned provision. Unfortunately it has never been properly understood. Then again, it never did meet the need, partly because of the restriction to five classes, and partly because of time limited. In that regard I was very much interested in the remarks of Colonel Thompson, who made mention of the provision in the first instance to take care of the men in amputation cases. It is very strange, however, that there are very few amputation cases which come within classes 1 to 5. At that particular time there were exceedingly few; I do not suppose to-day there are 300 amputation cases within classes 1 to 5. The larger proportion of amputation cases rate between 50 per cent and 75 per cent.

By Mr. Adshead:

Q. You want it to include 1 to 11?—A. 6 to 11. The number of widows who will become eligible or have become eligible by virtue of section 32 of the Act may be placed in three classes: 1. The widows of men who were killed in action; 2. The widows of men who die as the result of injury; 3. The widows of men who die as the result of disease.

There is no qualifying provision under the Pension Act as to service. A soldier may have served in Canada, England or an active front. Men enlisted with the intention of proceeding to the front. Many were laid low during training with disease, others suffered injuries. These men were unable to proceed to a theatre of actual war, and in the ordinary course of events were discharged and pensioned. Many are dead to-day. Providing death was due to service their widows were pensioned. We had 215,000 casualties. 65,000 were killed or died of wounds. The widows of men killed in action get pension. Of the remaining 190,000 casualties, several thousand commuted their pensions and some 60,000 are to-day receiving a monthly pension. I am not exactly sure of the latter figure but that is an excessive figure. Casualties were made up of men who were killed, wounded, or taken sick, and then struck off strength.

The proportion of casualties in which pension is paid will show disabilities in respect to disease, such as organic troubles, heart, etc., tuberculosis, etc., in larger numbers than men who are pensioned for injuries as a result of body wounds, by shrapnel, shell or gunshot. It can be shown to-day that there is a greater likelihood of men dying as a result of pensionable disease than of a pensionable injury. It does not follow that men with a pensionable disease will die in all cases sooner than men with a pensionable injury. It does follow

that death in most cases of a pensionable disease will be related to the incapacity for which pension is paid, and proof will not be hard to establish. On the other hand it will be impossible in most cases to prove a man who was injured by enemy action, such as the loss of limb or eyesight, that the cause of death in such cases will be related to his pensionable disability; though it might be very probable disability was a contributory cause to death. It is here we find a serious defect in the Pension Act. The widows of pensioners who were actual combatants, and whose disabilities are injuries due to direct enemy action, and contact, in most cases will not be pensioned under the present Pension Act.

On the other hand the widows of men who were incapacitated as a result of disease, and unable to proceed overseas, in most cases will be pensioned. Under Section 11 of the Act, pension is only paid for actual known war injury or disease or aggravation thereof. It is not whether or not the present incapacity was the natural or probable result of service or the natural or probable result of the injury or the disease or aggravation thereof, for which application for pension is made, *but whether in fact it did result from the injury or disease or aggravation thereof*. There is a thing that so very few of us really have understood in the past. Before any widow can get pension by virtue of Section 32 of the Act, her husband must have been eligible for pension by virtue of Section 11 of the Act.

How many pensioners who are pensioned in respect of injuries obtained by shell or gunshot wound who were actually wounded as a direct result of enemy action, such as amputation cases or blinded soldiers, are going to die as a result of their injury as defined under the Pension Act?

By Mr. Adshead:

Q. Supposing a man were blind or had lost a leg and were trying to escape an automobile and were killed, would his dependents receive pension?—A. That is what they call consequential disability, and that is a matter which is within the discretion of the Board of Pension Commissioners; and it is a question whether they will, under the circumstances, consider the man's widow was pensionable or not.

By Sir Eugene Fiset:

Q. It comes under clause 3 of the Act.—A. How many of the widows of amputation cases or blinded soldiers are going to receive pension after the death of the pensioner? And here is a very important point, and a very strange one, one that is very much in the minds of the public in this country to-day. Is it not a fact that popular public conception is that when a soldier, such as those who have lost limb or eyesight, dies that his widow receives a pension. Experience and complaint have been largely instrumental in revealing the condition that exists. To remedy this state of affairs, the question is, what would be a fair and reasonable suggestion to make. The resolution was drafted in the belief that its adoption would prove to be both equitable and just. Strange as it may seem, it also provides a solution which in fact should not prove to be too great a burden on the State. It is logical to assume that the average man would marry a woman of his own age or thereabouts, therefore, should a pensioner die of old age, it would also follow that his wife had pre-deceased him or would not survive him by many years. Let us take the latter instance as likely to be the case. Is it not a fact that had the pensioner lived his natural and full life, the State would have had to continue to pay pension. In fact two pensions, in effect a pension to the man and an allowance to his wife. The State is not anxious to benefit at the expense of the soldier's widow, especially as it is clearly shown the widow of a soldier who actually fought its battles as an active combatant and who was disabled by effective service. Under this resolution the widows of

injury cases will benefit in the larger numbers, whilst it also makes provision for the widow of a man pensioned for disease, and dies as a result of injury. Let us take the cases of two young soldiers, each enlisted together and fought side by side. One is sent down the line with a heart condition. The other is wounded and loses a limb. It is conceivable that each received the same class pension, and both return to civil life. Both men are married and live a fair span of life. It also happens both men die of a heart condition. The soldier's widow who dies of a heart condition get pension. The widow of a soldier who lost a limb gets nothing. In the latter case it was impossible to prove that his heart condition was related to service, though in fact the initial shock of his injury was terrific, rocking the man's entire nervous system to the very root, with subsequent strain upon his entire generating system. It is a known fact that the average pensioner, unless he is permanently employed, stands a very poor chance of making provision for his wife. We do know that the percentage of these men having ability to earn substantially is low. The wife of a disability pensioner is tied to the home. She gets extra work, has to do everything in the home her husband cannot do, greater anxiety, has to manage on little as she cannot leave the home to earn for herself. The story will never be told as to what some of the wives of disability pensioners have had to put up with since the war. To grant pension would be but small recognition of service she has in fact rendered to the State. The cost will not fall heavily upon the State, had the pensioner lived the State would have had to pay in any event. That is a statement of fact, Mr. Chairman. We consider that one of the most serious things that has cropped up in recent years in respect of widows of men who have died, and they have been unable to prove that the husbands died as a result of their pensionable condition, that, in effect it is a discrimination as between the chap who actually did the fighting, the man that was actually wounded by the enemy, by bayonet, or by shot or by shell, and his arm or his leg knocked off, and the shock of that at the moment—and any of you who were there realize the situation under which these men had to exist during those days, but which I cannot begin to describe to you. I know that scores of them could not receive immediate attention. But men who lost their limbs or lost their eyesight as the result of the war are the men who, naturally enough, the public think are being looked after. We know by our experience that these are the men who actually suffered the agonies of war. It was never intended by virtue of that section of the Act, as it stands at the present time, to offer discrimination against the man who suffered injury, as against the man who suffered from disease. I will try to explain our view to you. It was by virtue of the amendment of 1928 to section 32, in respect to post-war marriages, that there was discrimination there made against the man and his wife being admitted as pensioners, as against the man who, under similar conditions and with a similar experience, might have suffered from disease. The result of that was this: that very few widows, by virtue of that amendment, can possibly become pensionable. The man that could possibly be pensionable will become so by virtue of that section as admitted in the 1928 amendment, and that in itself brought forward the discrimination that really exists in respect to the man who has suffered disability as a result of injury, as against disability resulting from disease.

Mr. Chairman, I want to thank the committee for the very kind invitation you have extended. I have another matter that I wish to bring up.

By Hon. Mr. Manion:

Q. Could you not have contrasted even more, the award in the case of the heart disease man and the amputation man where both died from heart disease? Supposing you had shown the heart disease man had died from pneumonia, the chances are he would have been pensionable in that case because he would not have died from pneumonia if he had not had the heart disease, whereas in the amputation case, if he died from pneumonia, he would not come in?—A. Yes

Mr. McPHERSON: Just to show the peculiar position, suppose in those two case cited, the men had not died from pneumonia, but they had been run down by an automobile, in the case of the man with the one leg, it would be considered consequential, and the other would not be.

The WITNESS: He might have had shock.

Mr. McPHERSON: I mean both were killed at the same time; under the Act there would be the consequential case.

The WITNESS: There would be a very poor chance in the amputation case, for his widow to receive a pension consequential upon his injury, there are very, very few. They make great distinction as to what a consequential disability is.

Hon. Mr. MANION: Are there any?

The WITNESS: Yes, very few cases have been admitted.

Colonel THOMPSON: The point taken by Mr. McPherson is quite correct, the man with the disease would not have had his widow pensioned. Under proper circumstances if it was shown that the man's death was due to the amputation condition, there would have been pension.

Hon. Mr. MANION: Are there any cases where the widow has been pensioned?

Colonel THOMPSON: Oh yes, quite a number.

The CHAIRMAN: Mr. Myers has a statement to make.

By Mr. Thorson:

Q. Is it your contention that under Section 32, subsection 2, the persons who benefit are the widows of non-amputation cases, rather than amputation cases?—A. That is in classes 1 to 5?

Q. Yes.—A. Yes, there is no question about that.

Q. More cases of non-amputation than amputation cases that have widows.—A. Very few amputation cases are rated in that at all.

Q. But there have been quite a number of non-amputation cases?—A. Quite a number.

Hon. Mr. MANION: Those amputation cases would be individual cases, where there has been the loss of both arms or both legs?

The WITNESS: Both arms, both legs, and disarticulation of the shoulder or hip.

Hon. Mr. MANION: What is the rate of pension for disarticulation of the shoulder or hip?

The WITNESS: 80 per cent.

I have a further resolution, Mr. Chairman, in respect to Section 11 of the Pension Act. I might say that this is really a very interesting proposition, and a matter that will, perhaps, become aggravated more in years to come, and while the need, perhaps, is not very pressing at the moment, nevertheless the importance of this subject I hope may commend itself to you.

Section 11—That Section 11 of The Pension Act be further amended by the addition of a new subsection between subsection 2 and 3 as follows:

In respect to a Member of the Forces entitled to a pension in any of classes 1 to 11 inclusive as set out in Schedule "A" of this Act, such Pensioner shall upon reaching the age of 55 years be advanced one class in the said schedule and shall be further advanced one class each succeeding year until a class one pension has been reached.

This subsection shall not be held to authorize any payment of a pension for any period anterior to the date of the coming into force of this Act.

By Mr. Thorson:

Q. In other words, you suggest that there should be an increase in his pension regardless of whether there has been any change in his disability or not?—A. Age in the case of a disabled soldier, for instance, an amputation case, might actually not show by shrinkage of the stump, something of that nature. While there has been actual change in so far as the shrinkage of the stump is concerned, it is not serious, but there might be something important as to the man's employability in the labour market.

Mr. McPHERSON: How is the man who has lost one eye, rated?

WITNESS: If the eye is out, I think 40 per cent.

Colonel THOMPSON: Loss of sight is 80 per cent.

Mr. McPHERSON: Does he come within classes 1 to 5?

Colonel THOMPSON: From 1 to 5 is 80 per cent up.

Mr. McPHERSON: He will be in the further class, and that man, when he becomes 55, with each year he will get further pension.

The WITNESS: Each year he will get further pension, because he will be at that age, class 1. A class 2 pensioner becomes class 1, and the man 95 per cent disability at the age of 55, would be placed in class 1. The 50 per cent man at 64 would become a total 100 per cent pensioner.

Mr. SPEAKMAN: Just a moment, to follow that up, what is class 11?

WITNESS: Class 11 is 50 per cent.

Mr. SPEAKMAN: Is this resolution one that has been endorsed by all soldier bodies, or is it a subsidiary resolution by the Amputation Association?

WITNESS: This resolution was endorsed in principle by the associated soldiers. As a matter of fact, all but the Legion had greater opportunity, perhaps, of examining the effect of this resolution. However, I can assure you that I am bringing this up with the concurrence of all the associated bodies; this resolution has not been submitted to the Legion convention.

Colonel LAFLECHE: It is, perhaps, a little more than indicated in my remarks, because we have not had time to study it. At first glance it is a most interesting question, but we have not had time to look closely into it.

Mr. SPEAKMAN: This is not one brought forward by all soldier bodies.

Colonel LAFLECHE: In the light of what Mr. Myers has said, and what I have added, that indicates the position.

The WITNESS: We are in this position, gentlemen, that it was either the case of bringing our own resolutions, or going concurrently with the rest of the soldiers. We feel we should go concurrently with the rest of the soldiers.

By Mr. Adshead:

Q. As the man gets older, in the amputation case he is less able to earn a living.—A. That is it, exactly.

Q. His disability increases?—A. Yes.

By Mr. McPherson:

Q. This is not applied to all classes?—A. It applies to all classes up to 50 per cent. This will give some light to it. I admit the subject is new, but I do not think it will be new to you after your discussions are concluded before this committee.

The unit of measurement for disability pensioners is the ordinary, normal, untrained man in the unskilled labour market. Such a man must have been the average type of young man the country used in its service during the great war. To what extent the age factor was considered is not known, but it is not conceivable that a man past military age was considered. Take two men with

similar disabilities. Private "A" on discharge was 25 years of age. Private "B" on discharge was 45 years of age. Both received a 50 per cent pension award and are now in receipt of Class 11 pension. Private "A" is now 35 years of age. Private "B" is now 55 years of age. When these men were discharged they compared notes, found their pension awards similar, and were satisfied. Neither man wanted or expected a higher pension than the other, in fact there was a silent satisfaction that each one was treated alike. These men were fresh from the war on discharge. There is now ten more years behind them. Each man has expressed the opinion that as they grow older their disability becomes more trying. The question is, has Private "B" at the age of 55 years the same ability to earn as Private "A" has at the age of 35 years, in the ordinary labour market. Both men have the same disability and have had the same disability the same length of time. The answer is obvious. Private "B"'s ability to earn, though in each case the same length of time has elapsed since disability was incurred, has deteriorated at more than twice the rate of that of Private "A". Industry only wants these men who are efficient, speedy and able to produce the equivalent competition demands.

Is it not a fact that the same unit of measurement was used in determining the pensionable disability of each man. Can it be said in fairness to Private "B" that his ability to earn in the ordinary unskilled labour market at the age of 55 is accepted to-day as equal to the ability to earn of Private "A". It is a recognized practice of accident and sickness insurance companies to increase particularly sickness insurance premiums by 25 per cent or more once a man has reached or passed the age of 50. At the age of 60, casualty insurance companies will not write or accept a man of this age as a risk. In the opinion of a majority of casualty insurance experts, insurance premiums for sickness insurance should be on a sliding scale between the ages of 50 and 60, with the lowest increase at the age of 51, being 25 per cent of the normal or ordinary premium. In view of the practice in this respect of insurance companies, and their recognition of the increased hazard and susceptibility of a man of this age to sickness, it is reasonable to suggest that the same principle should be recognized in the cases of pensioners who have reached or passed the age of 50 or 55. The Pension Act has no provision where the principle of increased disability is recognized with increased age. Under Schedule "A" of the Pension Act, is the scale of pensions for disabilities. There are twenty class pensions, ranging from a class 1 pension—100 per cent—dropping 5 per cent with each class until a class 20 pension is reached—5 per cent.

Sir EUGENE Fiset: Right there, is it not a fact that if we do accept your submission for classes 1 to 11, what is to prevent the other classes coming within a year, or, even during this session, and asking with good reason, to apply exactly this proposition to those classes, 6 to 11.

WITNESS: I might say that I could have submitted the broad suggestion including classes 1 to 20, but it was thought, after considerable discussion, that the disabilities such as the loss of a finger, or a very minor disability, would have no real consequence upon the earning power in the labour market.

Sir EUGENE Fiset: Will you guarantee that the Legion will not come to this committee within a year or so and ask that those classes should be applied?

The WITNESS: I would have to qualify that statement. This is really a matter that is very serious, and one which will become extremely serious during the next fifteen years.

Herein lies a simple and what would appear to be a fair solution to the question of, with increased age there is increased disability. It has been suggested in many quarters that the war accounted for ten or fifteen years of a man's life. Pensions are only paid to the extent of actually known war

injuries. War experience does not count. It is reasonable to assume, if the so-called fit man has given ten or fifteen years of his life because of war experience, it is not unreasonable to say that a disabled man did likewise. Sixty-five or seventy years is the average retiring age. Such is the case in the Civil Services. Undoubtedly the employability of the disabled man will become more marked as he reaches the age of 55 years. It is conceivable that a pensioner with a class two pension, 95 per cent, at the age of 55 is really 100 per cent disabled as far as a unit of measurement and employability is concerned. The object of this resolution is to advance a class pensioner as he reaches the age of 55 years, one class, and to further advance his pension one class each year until a class 1 pension is reached. A pensioner with a pension class 11, 50 per cent, such as private "B," would become total, 100 per cent, at the age of 64 years. A 95 per cent pensioner would become total 100 per cent at the age of 55 years. We consider this to be a reasonable solution to a question which will become aggravated during the next fifteen years. It will also start to take care of the soldier of the type of Private "B" who enlisted at the limit of military age, and whose remaining employability has become considerably lessened. As the pensioners reach the age that full pension is paid, many no doubt will leave the labour market, in this way helping to solve one of our main problems, namely the unemployable disabled veteran.

I know this suggestion naturally strikes you with something of newness, but I venture to make the remark that during the next ten or fifteen years this matter will be seriously considered perhaps from many different angles.

By Mr. McPherson:

Q. Excuse me for interrupting you there, but does not your argument amount to this: that the amount of the pension given depends both upon the disability resulting from the injury, and the age of the man at the time he received the injury? Is not the amount of pension based on the disability and the age of the man at the time he got it? Is not that the fundamental point of your whole argument?—A. Yes.

Q. The one man twenty years of age, and the other forty. You contend the man at forty should have been getting more pension?—A. I would say, yes.

Mr. HEPBURN: That is the principle you want to establish?

The WITNESS: No, the principle is to be established as time goes on. We agree to the system but we are in no way responsible for it. There is the system, that is what we have, this is the condition we have to face, somebody has to come forward and say it.

Mr. ADSHEAD: In the ordinary, unskilled labour market, is not a man's ability to earn a living made harder as he gets older?

The WITNESS: There is no question about it being more aggravated when he is disabled.

Witness retired.

The committee then adjourned until Tuesday, April 8, at 11 o'clock a.m.

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SESSION 1930

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8—TUESDAY, APRIL 8th, 1930

EVIDENCE.—Col. Thompson, Chairman of the Board of Pensions Re Pension Legislation as set out in Memorandum of the Chairman. Dr. J. A. Amyot, Deputy Minister, Department of Pensions and National Health Re Emergency Treatment and Practice of Department in such case.

MINUTES OF PROCEEDINGS

COMMITTEE ROOM 368,

TUESDAY, April 8, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock, a.m., the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Black (Yukon), Fiset (Sir Eugène), Gershaw, Hepburn, Ilsley, McGibbon, McIntosh, MacLaren, McPherson, McLean (Melfort), Manion, Power, Ross (Kingston), Speakman, and Thorson—16.

Honourable Senators present: Messrs. Buchanan, Graham, Griesbach, MacArthur, White (Pembroke), and others.

In attendance: The Chairman, Commissioners, and the Chief Medical Adviser of the Board of Pensions; the Dominion President and Officers of the Executive of the Canadian Legion, B.E.S.L.; the Chairman and the Secretary of the Federal Appeal Board; Secretary E. H. Scammell, of the Department of Pensions and National Health; Col. O. M. Biggar, and Mr. E. E. Spencer, Counsels, and Representatives of Provincial Commands of the Legion.

The Committee proceeded to resume the consideration given to Memorandum relating to Pension legislation as submitted by the Chairman on Tuesday, 1st of April. (See Page 74 of the Proceedings and Evidence No. 4.)

Views thereto relating were expressed by Messrs. Ross, Manion, MacLaren, Senator Griesbach, McPherson, Speakman, Thorson, Gershaw, Black (Yukon), McLean (Melfort), and the Chairman.

Col. Thompson was examined regarding the recommendations contained in the said Memorandum.

It being 1 o'clock, the Committee rose to meet again at 4 p.m.

MINUTES OF PROCEEDINGS

AFTERNOON SITTING

TUESDAY, April 8, 1930.

The Committee met at 4 o'clock p.m., the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Arthurs, Black (Yukon), Fiset (Sir Eugène), Gershaw, Ilsley, MacLaren, McPherson, McLean (Melfort), Manion, Power, Ross (Kingston), Speakman, and Thorson—14.

Honourable Senators present: Messrs. Béland, Buchanan, Graham, Griesbach, Lewis, MacArthur, White (Pembroke), and others.

In attendance: The Chairman, Commissioners, and the Chief Medical Adviser of the Board of Pensions; the Dominion President and Officers of the Executive of the Canadian Legion; the Deputy Minister and the Secretary of the Department of Pensions and National Health; Representatives of Provincial Commands of the Canadian Legion; Mr. E. E. Spencer, Counsel, and many others.

The Committee proceeded to the further consideration of the Chairman's Memorandum relating to Pension legislation.

Col. Thompson was recalled and further examined.

At 4.35 o'clock, the proceedings were interrupted by the Division bells calling the members to the Chamber. The Committee resumed at 5 o'clock and proceeded to further consider the evidence given by Col. Thompson.

In the course of the proceedings, Dr. J. A. Amyot was examined regarding the department's practice as to returned men requiring emergency treatment.

The Committee adjourned at 6 o'clock to meet again to-morrow at 11 a.m.

MINUTES OF EVIDENCE

COMMITTEE ROOM 368,

HOUSE OF COMMONS,

TUESDAY, April 8, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Chairman, Mr. C. G. Power, presiding.

The CHAIRMAN: We are to have a discussion this morning on the suggestions contained in the memorandum which I submitted, which will be found in No. 4, page 74. We have no witnesses summoned for this. It was rather understood that the committee would discuss it, not necessarily in camera, or ask anyone to give their views on it.

Mr. Ross (*Kingston*): Mr. Chairman, I have gone over this memorandum very carefully. While the intention is very good, and along the line we all wish to act, that is, introducing something new, making the dealings between the pension board and the applicant somewhat easier, I must admit at the outset, Mr. Chairman, that I fail to find that these suggestions will do just what we expect. For instance, the first clause:

The Board of Pension Commissioners, as at present constituted, to continue to exercise its functions and jurisdiction.

Notwithstanding the note I find on the back here, that the pension board becomes largely an administrative body, I fail to see how we can place it in that category with that first clause. My interpretation of that is—and I must say I have not talked to very many about it—that this leaves the pension board as it was originally intended to be, that a man would go to this pension board and receive their decision as to his entitlement and assessment.

Then we come to the second clause, the creation of a new court to be called Pensions Court. That, I think, is the new idea that you have, and that we all have, to create some new machinery by which we would bring the man to his board, where he would come with his evidence and his own representatives, legal or otherwise.

I wonder, Mr. Chairman, if we could not perhaps combine those two. My suggestion would be that the pension board remain as it is with increased members. The chairman would stay here at the central point as an administrative officer, but the increased number would take the place of this Pensions Court, travelling around as boards, in certain jurisdictions, say one in the maritimes, one in eastern Canada, covering Ontario and Quebec, one in the middle west and one in the west—four pension boards. I have another idea too, Mr. Chairman, one which would give the returned soldier a better opportunity to be heard, that is, he should have a representative on each of those boards, that representative being nominated by the Canadian Legion which to-day is the largest organized unit. If you combine those two, then you would have the original pension board working under new machinery, as it were, and, instead of sitting at Ottawa, those boards would travel out to the men, taking the place of the Pensions Court. The man would bring to those boards, as I say, his evidence, and he would have his representative there, which I think would be more advantageous and simpler and—something which I have never thought of when dealing with returned soldiers—it would perhaps be cheaper.

There is another thing, Mr. Chairman. The returned man, or any soldier, likes the idea of the name "board," at the end of service, at the end of anything, the discussion of his disability, he has always had that word "board," and, as I say, he still likes the name "board" notwithstanding the disadvantages he has been up against. That is my suggestion.

I agree with you that the Federal Appeal Board would no longer be necessary, and that the soldiers' adviser system be discontinued, and even if the man is not satisfied with this then there is the matter of your appeal board which sits here. I agree also with what you have here in regard to jurisdiction. I would say that the man can bring to the appeal board the evidence that has already been considered, plus any new evidence or fact that he wishes to submit, and this appeal court here would deal with everything that the man is concerned in, entitlement and assessment, if necessary.

That is what I have considered for some days, Mr. Chairman. You have struck the right idea, that we are all anxious to arrive at the place where we can bring the returned man up to his board, but I believe that, instead of having three, we can have two, and a combination of your court and the pension board by increasing the number of the pension board so that they can be constituted into travelling boards, as I have already outlined and, as I say, if it were considered beneficial that on each one of those boards there would be a returned soldier representative, that man to be an appointment, not for life but one that can be changed, if necessary. My idea is that if the soldier representative were changed you would be bringing to the board new ideas, or any change in the attitude of, say, the country or the men themselves.

Mr. ADSHEAD: Would this appeal board's decision be final and mandatory?

Mr. ROSS (*Kingston*): Certainly, I would make it final and mandatory. Remember, I have not written anything out in this connection.

Mr. SPEAKMAN: Is it your suggestion that this member appointed by the Legion, or by the soldier bodies should be a full member of each of these boards with voting power?

Mr. ROSS (*Kingston*): Absolutely. He would be a full member, and by changing him every two years or so he would bring in new ideas, and new representations, which would be better, I think, than leaving him on there for life, or for ten or twenty years when he would be as likely as not to get into a rut.

That is the way I look at this. We do not want to make it at all complicated, and that is what I think we would do if we were to adopt your memorandum as it is, by bringing the men around again in a circle. My idea would be to appoint these different boards, combined with the pension board, by merging the pension board and then letting it perform the functions of an administrative body here. Then I think we would have a very simple way in which a man could bring forward his evidence.

The CHAIRMAN: I asked Colonel Thompson to give us some such suggestion along those lines of an enlarged pension board, and I think he will be prepared—if not to-day at least some other day—to make some proposal or some suggestion to the committee along that line.

Hon. Mr. MANION: Before Colonel Thompson does that, Mr. Chairman, I should like to say a few words in regard to General Ross' proposition, because I have talked it over with some of the other members.

Mr. ROSS (*Kingston*): As I say, Mr. Chairman, I have not put this in writing. It is merely my idea, and I thought it might appeal to the different members of the committee as a simple way of dealing with the matter.

Hon. Mr. MANION: I am going to differ slightly from one of the suggestions made by General Ross. In the first place, Mr. Chairman, dealing with the first clause in the memorandum:

The Board of Pension Commissioners, as at present constituted, to continue to exercise its functions and jurisdiction.

We had it pointed out to us the other day, by the board themselves, that they had to handle, my recollection was, something like fifty-two cases a day.

Colonel THOMPSON: Sixty to one hundred.

Hon. Mr. MANION: Well, whatever it was, it worked out at about three minutes apiece. True, many of them are merely formal and they can clean them up very quickly, but I fancy it is the opinion of this whole committee that the board could not be giving the proper time to many of these cases. I think that was admitted. We heard General Currie on the question, and he took pretty much the attitude that there should be absolutely a re-arrangement of the Board of Pension Commissioners. I agree with that. I think the board has too much work now. I do not mean to criticize them in that regard, because in the past I have had pretty good satisfaction in connection with many cases that I have brought to their attention, but I do say they have too much work, and I think under your system, Mr. Chairman, they would continue to have too much work to do. My understanding of your suggestion is that the cases would first come to them, go through their hands, and then this appeal board would deal with them.

The CHAIRMAN: It is a Pensions Court, not an appeal board.

Hon. Mr. MANION: My idea is that we should have more boards, one say at Halifax to take care of the maritimes, one at Ottawa to handle Quebec and Ontario, one at Winnipeg to handle western Ontario—that would take in my section of the country possibly, and as far west as Saskatchewan—and then one at Vancouver or Victoria to handle British Columbia and Alberta. I am only giving it very roughly. You would have to have a central body, to handle payments and that sort of thing, and the board at Ottawa would be the one to do that. The other boards would send in their decisions which are final, as far as the board is concerned. I think such a re-arrangement would instil much more confidence in the returned soldiers, and I am speaking without having consulted with any of them. It is an absolute splitting up of this whole board. I suggest that you might leave Colonel Thompson in Ottawa as Chairman of the Board here, and have one of the other Pension Commissioners placed on each of the other boards. Then you could have Dr. Kee, and I only mention him because he is next to the commissioners. In that manner you have split the Board and whatever criticism may have been directed against the Board as at present constituted, you have divided them up, but will still retain the experience by having these men on each of the other boards.

I agree with the suggestion of the returned men being represented on these boards, and I suggest that the third man should be a county court judge, or some other man of that type. That is a very superficial thought, and I am not married to that idea, but I think you should have some other person of that type for the third commissioner. The point as to changing the returned soldier frequently; on that I have an open mind, however I do admit that there should be some method left open to them to permit to alter their recommendation. Outside of that opinion I think he should be appointed for a considerable length of time in order to retain his experience.

The point made by General Ross, that these should be travelling boards, I think is proper; that is, the board here at Ottawa could go up to Montreal or Toronto or Kingston on occasions.

The CHAIRMAN: You should have them inter-changeable?

Hon. Mr. MANION: I have not thought so, but the Board at Winnipeg could go down to the head of the lakes, I do not mean that they would go to all the little towns or villages, but would visit the big centres. The Winnipeg board would go to Kenora, Brandon and Portage la Prairie, if that was in their scope. Then the Federal Appeal Boards would consist of just the board you suggest; instead of having an appeal board, and then another appeal board, that one appeal board would be just as you suggest, and they would also be travelling boards; they would also be travelling boards acting as appeal boards. The only matter to which I might take exception, and it is a very small matter, would be in regard to changing too frequently of the members, particularly the returned soldier members, but that would be a matter open for discussion. It seems to me that is a better scheme than the other.

Mr. McLEAN (Melfort): Do you want the Appeal Board to cover the same territory as the Pension Board; travel around in the same way?

Hon. Mr. MANION: We could work that out ourselves, I am not married to that idea at all. We might not have the same number of appeal boards as for pensions. You might not require the same number of appeal boards, probably not more than two.

Sir EUGENE Fiset: You want to substitute the present Pension Board for the Pension Board proposed by the Chairman?

Hon. Mr. MANION: I want to substitute four pension boards, and divide up the work of the present pension board, so that any criticism the soldier may have had against it, whether fairly or unfairly, would not exist because on the new boards you would have the benefit of the experience of each member of the present board, and yet they would be divided up among each of the other boards and would not control the vote on them. I am not saying that with any idea of reflection at all against the pension board.

Mr. Ross: Would there not be some advantage in changing the soldier representative?

Hon. Mr. MANION: Except for his experience. I am not offering any objection to the rest of the suggestion at all.

Mr. ADSHEAD: The returned soldier would have counsel.

Mr. McINTOSH: Why not leave it to the soldier organization to settle the matter whether they would desire to change it or not.

Mr. MACLAREN: Mr. Chairman, I have been much interested in this suggested recommendation that you have put before the committee, and I see advantages in some of the particulars, but in others I am not quite so convinced. I would like to put this down as a general principle, that the great and central work as regards pensions, is performed by the pension board. It must be so; it is the board on which the vast amount of work is done, or should be done, and therefore I think we want to centre on the pension board and its work. However, Mr. Chairman, find your memorandum branches out very considerably from the pension board and rather stresses and centres on the additional boards or courts outside of the pension board. I submit, sir, in connection with that, that I fear we are working rather in the wrong direction. I think we want to get back to the pension board and place it in the position of doing as much work as possible. I think, from the evidence that we have heard, possibly for some time the facilities of the pension board do not enable them to cover the work. The pension board is overworked; there is too much coming before it, and therefore I think, instead of directing our attention in the way of expansion of appeals, that we should devote our thoughts to the expansion of the pension board as General Ross has suggested.

Mr. Ross (Kingston): Would you agree with the idea of the board travelling?

Mr. MACLAREN: Absolutely; that is one of the strong points in it. I think, Mr. Chairman, that my idea is very much the same as that of General Ross and Mr. Manion, namely, that there should be a department or a board, whatever you may call it, here in Ottawa, an administrative board through which all pension matters pass for distribution. It is an administrative or departmental board that I would suggest for the purpose of co-ordination, and administration. Then, the pension boards, I think, should be materially increased. I am prepared to accept General Ross's suggestion that there should be four.

Mr. Ross (*Kingston*): Would you have more, or do you think four would be able to cover?

Mr. MACLAREN: I think four boards would be ample, that is multiplying the present machinery by four, and it is now ten or twelve years after the war. These four boards would be distributed throughout the Dominion and they certainly should be travelling boards, and in that way it couples it up with your suggestion of a Pensions Court.

The CHAIRMAN: I do not see much difference in your suggestion to my own, except that you are calling it a board, and I am calling it a court.

Mr. MACLAREN: You will maintain the functions of the Pension Board here in Ottawa. Now I say, divert that by removing that duty from the Department in Ottawa and place it on the four boards in the different parts of the Dominion. There is that considerable difference, and I think it would meet the situation because you would not then be putting all this work through the one body.

The CHAIRMAN: May I ask you this question—it looks as if I am going to take up a lot of time—but is this your suggestion? Is it not your idea that the records from those particular sections would be forwarded to those different boards, and would not first be forwarded to Ottawa? That is, your western board would collect evidence, receive complaints and applications from all people in that section over which it had jurisdiction, and that information would not come first to the central body.

Mr. MACLAREN: These would be distributed to the proper areas.

The CHAIRMAN: But they would first come to the central body, is that what you mean?

Mr. MACLAREN: Yes, in many cases they would.

Hon. Mr. MANION: That was not my idea.

The CHAIRMAN: Your idea is that this would first go to the central body.

Mr. MACLAREN: I can understand there are some matters about which there would be doubt, and they might be sent here.

The CHAIRMAN: Would an applicant from Saint John, New Brunswick, who wanted a pension, write in to the Board of Pension Commissioners here, or to the eastern body?

Mr. MACLAREN: He would send it to the eastern body, but many of them would drift in here, and they would then be distributed to the proper areas, and the records would be kept here.

The CHAIRMAN: The records would be kept here in Ottawa?

Mr. MACLAREN: Yes, and the payment would be made from here. In other words, it is an administrative body, and the work of the Board of Pension Commissioners would be affected by these boards. Is that clear to you?

The CHAIRMAN: I do not see very much difference between the suggestion that I made, and yours, if most of the work is to be carried on here.

Mr. MACLAREN: The nearer we get together on these proposals, the better it is going to be, but I cannot help but think there is a material difference. You are basing your scheme on the idea that all the work first goes through the Ottawa board. I say, do not do that at all, that it should go direct to the district, or area boards. That is a very big difference, and brings it down to purely administrative work that is to be carried on here. I agree with the idea of the representative of the returned soldiers on those boards.

Then we come to the matter of the appeal board, and I would make a little suggestion on that. The memorandum says that the sittings are to be held in Ottawa. I would suggest, Mr. Chairman, that we do not say "in Ottawa," let it be in Ottawa or in other places. I believe that there is some advantage in the board moving about. It will be able to keep in touch with the Dominion and with the returned soldier. This method has been suggested in connection with the Supreme Court of Canada, that it should sit in different parts of the Dominion, but so far that has not been carried out. I would say, let that feature be optional or at the discretion of the appeal board, and thus permit it to hold sessions in different parts of the Dominion.

Those are the things that I submit: first the departmental board; second, the pension boards, which would investigate and hear claims put forward by the returned soldiers and dependants in the different portions of the Dominion; to deal with them and submit their findings to the central board. Thirdly, there should be an appeal board which may sit in the different parts of the Dominion.

The CHAIRMAN: You would give to your territorial board the right to make an order on the pension board here in Ottawa, would you not? It would not be a question of submitting findings, it would make an order for the payment of pensions.

Mr. MACLAREN: I say, for the payment of all pensions to be made from the board here.

The CHAIRMAN: So there would be no discretion on the part of the board here in Ottawa. The board sitting in Saint John, New Brunswick, that is the pension board for that section, would have power to award pension irrespective of the opinion of the board here in Ottawa.

Mr. MACLAREN: The pension board in Ottawa does not deal with that matter. I am saying that the different pension boards make their findings, and then submit them to Ottawa to be carried out.

The CHAIRMAN: Give an order, in other words.

Mr. MACLAREN: Yes, so that the pay cheques are issued in Ottawa.

Mr. ADSHEAD: They have the same function and power as the pension board.

Mr. MACLAREN: In this case you would bring the pension board in Ottawa to function with it. I would say that we do not do that, but leave that entirely for the pension boards in the different areas of the Dominion.

Mr. ADSHEAD: Their findings would be final?

Mr. MACLAREN: There is the appeal.

Mr. McLEAN (*Melfort*): The main difference with your board is this: you suggest that the board should deal immediately with the case rather than in the course outlined.

Mr. MACLAREN: My point, first of all, is that it is more simple and more direct under the manner I have suggested, and the next point is that you are approaching it in the proper way. It is taken up in the different portions of the Dominion, and does not go through the central board as a preliminary to then being passed on to another body.

Senator GRIESBACH: Mr. Chairman and gentleman, there is an aspect of this matter to which I should like to direct your attention, because it is, I think, of prime importance and I think ought to be discussed now. The essential and fundamental feature of a pension application is the preparation of the case. In any case where an application is made for pension and pension is not granted, it is simply and solely for the reason that the case has not been properly prepared. The schemes which have been advocated here to-day all come to the same thing, whether you call the tribunal a court or a board, a travelling board or a stationary board, sooner or later the applicant for a pension is confronted by a board of some sort which considers his case, and the preparation of that case is the whole crux of the matter.

It may be asserted that for the past eleven years we have had a method of preparing cases. Do you realize that all that is allowed for a soldier adviser, so-called, is the sum of \$175 a month, and in some cases, of but \$150 a month, I think—somebody will correct me if I am wrong.

The CHAIRMAN: It is a little more than that—about \$300 a month.

Senator GRIESBACH: There is no uniformity, and the result is that some of the soldier advisers are wholly incapable for their job; some of them are not even legal practitioners. A man, to occupy that position, in my judgment, should be a legal practitioner of some standing in the community, a well qualified man who devotes practically the whole of his time to this work, who is always available, a conscientious man, who will not let up until he has accumulated the evidence to prove the case; or, on the contrary, if he finds he cannot prove the case, will not submit the case.

Forty per cent of the time of the Board has been wasted in the consideration of cases never capable of proof. A man makes an application on flimsy evidence, and an incapable soldier adviser sends in papers in the case without proof, and the appeal is lost. I asked Dr. Kee a question the other day on this very point, and my question was something like this: If soldiers' advisers were competent and capable men who went thoroughly into the matter and thoroughly prepared the case and satisfied themselves after they had prepared the case that they had a good case to present, then in that case, would it not be a fact that the time of the Pensions Board would be cut in half, and the appeals to the Appeal Board tremendously lessened, and he agreed that that was so. So I come back to this, that the whole thing is in the preparation of the case. If we could get a body of soldier advisers, or you might call them by another name—I would get rid of every one of the present soldier advisers and make a fresh start; I would establish in the large centres several in each province, depending on the size of the province, which you might call a Veteran's bureau, who are the soldiers' friend, to start with. Then the soldier comes to them and he tells his story, and a competent person, well qualified, energetic and industrious, whole-heartedly in favour of the soldier, prepares that case, and has access to the file to find out whether the disability from which the soldier now suffers is related to service, and puts himself out to find out whether the disability from which the soldier suffers to-day can be proved to be the result of his military service, and prepares the case as a lawyer prepares a case for his client; and I would have that man of such a standing that he can say to his soldier client, "Under the law as it exists to-day, you have no case at all." If you have men of that character and calibre, I venture to say that the work of the Pensions Board would be cut in half. If you were to go through the files of the Pensions Board, I have no doubt that you would say, in regard to most of those cases, that there is nothing in them at all. A man to-day has rheumatism, and he makes an application; and there is nothing in his case to show that his condition was connected with his military service, and therefore it is not a case at all; and there is no reason why the Board should

be bothered with the consideration of such cases, and yet they solemnly debate such case for three minutes and dismiss it; and then the soldier adviser says, "We will appeal this"; and he appeals on that evidence and on that record; and there is no evidence and there is no record, and the soldier is debarred. That has been the story for the last eleven years—lack of preparation.

As to the engaging of men on soldiers' recommendations, at \$175 a month up: a number of these men are utterly incompetent, and some of them are not even legal practitioners; some of them have no knowledge of the soldier, and others have no knowledge of the law. What else can you expect from the salary paid? They do not know the Pension Act or the law as it stands.

Although I have been prepared in years past to move certain amendments to this or that clause of the Act, yet we are not intelligently able to amend the law, because we are not in an intelligent possession of the facts of the case, and never will be. And if I might suggest a veterans' bureau in large communities, to be presided over by a man entirely qualified to prepare the cases thoroughly, there would finally emerge the law, which we do not know now; we would have the accumulated opinions of the men engaged, who would tell us what is wrong with the law.

For the last eleven years I have been doing these cases as a labour of love, and I have been able at the end of any year to say what was wrong with the law, either in the interpretation of the law or with a particular section.

We hear of grave unrest and dissatisfaction, and we are struggling to evolve various schemes and proposals; and all these schemes and proposals have this one inherent defect, that while we propose boards which would travel around the country and hear cases, no one has dealt with this essential and fundamental feature, the preparation of the case; and I submit that if we could evolve a scheme, without interfering with the law at the present moment to any considerable extent, whereby we could assure throughout this country the complete and adequate preparation of the cases, with all the evidence that can be secured, either from the file or from medical testimony, or from comrades who know—because that is the way the case has to be prepared, from the file, from medical testimony as to what has happened in the intervening years, and the evidence of comrades who may or may not know—and, as I say, if we could do that and could feel sure that every case which came before the Board had behind it a careful, industrious, energetic and earnest preparation from the soldier's point of view, by a man who was strong enough to refuse to send forward claims unless there was also the evidence to prove them, the work of the Pensions Board would be cut in half, and that would increase the number of pensions awarded and would cut out half of the work of the Appeal Board. I am satisfied of that from my experience during the past eleven years.

Now, as to how the veteran's bureau is to get into touch with the Pensions Board; in my opinion we have inverted our system; we have a stationary Pensions Board and a travelling Appeal Board. That is obviously wrong, because the Appeal Board does not take evidence but deals with the record. The Appeal Board could carry on its work in any place in Canada. On the contrary, the Pensions Board hears the evidence, and what we require is to reverse what we have now been doing, and have a perambulating Pensions Board. As to how that Board should perambulate, I would enlarge the Pensions Board so that it could travel; I do not attach much importance to that, but that is worth considering; but what I do stress, out of eleven years of experience, is that adequate preparation of the case, and I would urge that this Committee give its attention to the bringing out of some scheme whereby we Parliamentarians may satisfy ourselves that we have put the machinery within the reach of the soldier. I would have the government assume all responsibility. I would

disagree with the suggestion of any soldier body nominating, because, getting down to brass tacks, it would mean that the man being selected may be the one who drinks the most beer or who is a friend of somebody in the neighbourhood. If you ask Colonel LaFleche right now, I think he would say that they are willing that that responsibility should be placed elsewhere. I would have these men selected because of their ability, because of their qualifications, earnestness and industry, so that we could be sure that every case brought before the Pensions Board has been properly prepared in all respects with every bit of evidence which can be procured; and such a man in charge as could say to the soldier, "We cannot prove your case, and you have no case at all."

Mr. MCGIBBON: This discussion should come in under No. 8, should it not?

The CHAIRMAN: We are dealing generally with the whole matter. Colonel Biggar would say a word, if the Committee wishes to hear him now, or after we have completed the discussion.

Mr. MCPHERSON: Before Colonel Biggar speaks, we are endeavouring to discuss the whole scheme. I am expressing my opinion at the present time, and yet I may change my view on every one of these points before we are through in this Committee.

The CHAIRMAN: That is so with everyone of us.

Mr. MCPHERSON: I agree with some things that have been said, but with others I do not. From the legal standpoint, perhaps I naturally take a little different view; for instance, take the proposal to do away with the Appeal Board, and may I make this suggestion first—the other way would work out all right—that my sizing up of this proposition would be that the Pensions Board act first of all as a sort of clearing house, and while all the applications come before them there will be a reasonably large percentage accepted and passed by that Board, thereby wiping them off the slate entirely, as they grant a pension. Assuming they only accept and grant 25 per cent of the applications which come forward, that would be an enormous number of cases, taking the Dominion as a whole. Then with the divisional or district boards outside dealing with appeals from them, and also a new trial as it were, as they would hear evidence in addition to appeals, I think that would give the soldier the intimate touch with the Board and the rulings, which is one of the biggest questions and most necessary in order to give satisfaction; but they would be limited to the balance of 75 per cent of the cases. They sit in all parts of the Dominion and hear new evidence and act as an Appeal Board, but also act as an additional protection for the soldier, because they hear new evidence and get the story first-hand. On that point I would suggest to General Ross that all the representatives on the board should be permanent, provided they give satisfactory service and are able to do that which is required of them. For that reason, General Ross suggested a change in two or three years of the soldiers' representative.

I think the value of those travelling boards is that there would come a time in the course of perhaps a year or two,—certainly within two years,—when the decisions of the Boards throughout Canada under the Act would be uniform; and this would be a very important thing for the satisfaction of the pensioner and the applicant, that one man is not granted a pension on evidence on which another man is refused. In this way they would get their interpretation of the Act uniform throughout Canada, to a very great extent, and eventually get into a position where there would be no question as to the entitlement of a soldier under certain conditions.

As to the suggestion that by the changes you would get new views on the situation, I suggest that is a matter which would come from the Board or from the soldiers' advisers, as suggested by Senator Griesbach; and they would find the

flaws in the Act as it is, and thus changes would be suggested to the House from time to time. There should not be any serious changes in the decisions of the Board from year to year, so that the decisions would become uniform and become what I would term the law for future consideration.

I think Senator Griesbach is right in his remarks as to the cause of the trouble up to the present time. In 1928 the thing which really surprised me was the fact that the soldiers' advisers were not solicitors or lawyers. This Act is one of the most technical acts I ever saw; and when men come to a specialized thing, such as an act of this nature or the Railway Act, or various acts which deal with, for instance, the grain trade, lawyers specialize in them. And in order to prepare these cases, I thought the advisers, of course, would make a study of the case for the purpose of preparing it in the proper form. But, apparently, my observation has been borne out by General Griesbach's remarks as to the laxity of preparation.

As to the constitution of the Appeal Board, I think those travelling courts would become uniform, and where they differed would be corrected by the Supreme Court or Appeal Court at Ottawa, because that is about the only place where a difficulty could arise, in the interpretation of the Act by the various Boards.

There are a lot of details which would have to be considered very particularly, but on the broad lines I would suggest that the value of retaining the Pensions Board to-day is in doing away with a great number of cases which would have to be heard throughout Canada if they were heard individually, and then would have to come up for appeal later on on account of the differences in the first few years.

There is another point which I think is not clear and on which I think there should be some evidence. My information and understanding of it is that at the present time there is no right of appeal on assessment, but this Committee is likely to give a right of appeal on assessment. If I am right in that and there is none at the present time, I think there will be that right under the new amendments; and I suggest that there should be also a provision that the right of appeal on assessment should be exercised at certain stated intervals, and not that immediately an appeal is over there can be a new appeal. If you take the ordinary disease and a man appeals on assessment on the first of January, I would think that in most of the cases the additional assessment that he might become entitled to would not materially rise in less than six months of a year, although in some cases, with some peculiar disease, it might do so; but there should be some way by which you could limit the time within which an appeal may be taken on assessment, and that the final court of appeal should be the central board, and that their decision would be final for all time to come.

Mr. Ross (*Kingston City*): My suggestion was that nearly every case would come up on appeal.

Mr. McPHERSON: Not those which were granted.

Mr. Ross (*Kingston City*): Or on treatment—something like that.

Mr. SPEAKMAN: There is something I want to say, unless the Committee wants to hear Colonel Biggar first.

The CHAIRMAN: Colonel Biggar is our counsel and would perhaps sum up, after all the members of the Committee have been heard.

Mr. SPEAKMAN: That would be better. We have given considerable thought to this, but our opinions are subject to change on discussion or further evidence. My suggestion is that the initial application, if it is handled as it is now, will be subject to all the difficulties to which the present application is subject, the lack of adequate examination, the lack of opportunity to obtain evidence, and so on; it will be subject to all the handicaps which have been in existence up to the present. Under this suggestion, as I understand it, all cases would

go directly to the Board of Pension Commissioners, as at present, and then all unsatisfactory decisions would be dealt with by the Appeal Board. That is, where the pension was granted and the assessment was satisfactory, it would be settled. But you may take it for granted that the pension courts would have all the unsuccessful applicants coming before them. My own opinion is that the most essential thing is that the Board which hears the case in the first place should be a board in contact with the applicants and hearing the evidence. We want to bring a closer relationship between the Board which hears the application and those applying. In that way I would be inclined to favour General Ross' suggestion that there should be a sufficient number of travelling or stationary boards—I am not particular—but that there should be boards in the various districts before which every case would be heard and before which each applicant would appear in person, represented by proper counsel, with his case properly prepared, as suggested by General Griesbach.

In order to secure uniformity, there might be an interchange of the members of those boards from one district to another, and have that done in regular rotation, so that uniformity of decisions on the same kind of evidence would be secured; and that would do away with the greater number of the grievances, and would provide machinery that would be, as nearly as possible, satisfactory.

If we made it possible for each applicant for a pension in person to appear before the Board represented by proper counsel and bringing with them a properly prepared case, and with the Board just as final in their findings and authority as the present board, it seems to me that would do away with dissatisfaction, and satisfactorily settle a far greater percentage of the cases. By an interchange of the members of the board from time to time, you would, in the course of one or two years, secure reasonable uniformity of decisions, as between one body and the other.

The difficulty that I see in the proposal of the Chairman is that this pension court would be an appeal court from every satisfactory verdict given by the Pensions Board in the first place. I would rather see the appeal heard by a board easily accessible by every applicant who would come there with a representative who has properly prepared the applicant's case, a proper counsel attached to that local board. It seems to me that in such a case we would have the machinery available for every man properly to present his case and to have a proper hearing. If we still maintain the present Board, with its present incapacity caused by lack of time and opportunity, no matter how carefully the case is prepared, in nine cases out of ten that preparation will be thrown away, because it is impossible to perfectly consider a case on account of lack of time. That is my suggestion. One of the most essential features is that each applicant in the first instance would be able to appear in person, represented by counsel, with his case properly prepared; and the Board which settles his case would be able to hear the evidence and render a proper decision; with provision for appeal and with provision for interchange of members, I think we might consider a proper decision as possible.

MR. THORSON: I think there is a good deal in what Mr. Speakman has said, but one of the difficulties in connection with his remarks is that there must be a large number of cases in which pension is granted immediately on a mere statement of the facts without any great necessity of intensive preparation of the case. What I am afraid of is, if it is required in all cases that the applicant should appear before the board, that there would be congestion before the board. I think that we ought to maintain and keep in our present machinery of Board of Pension Commissioners everything that is of advantage, and a great deal of the present machinery is beneficial and is very valuable. To the extent that it is beneficial to the returned soldiers and valuable in the administration of our pension system I think it should be maintained.

With regard to all the pension applications that are granted, they are out of the way. They do not cause any ground of dissatisfaction. I think I can safely say that as being generally the case. The dissatisfaction arises out of the rejections. Under this new Pensions Court—call it an enlarged Board of Pension Commissioners or Pensions court, as you choose—the machinery will be there for the purpose of dealing with the rejections, and it is not a court of appeal. It hears those applications *de novo*, as though they were fresh applications, and it is in respect of those cases that General Griesbach's remarks would more particularly apply. Those are the cases that would require careful and intensive preparation. Those are the cases in which it is highly desirable that the applicant should appear before the board and should be brought into close contact with the board.

The investigation into the operations and workings of the present machinery showed certain things. It revealed certain defects, not only of administration but of a judicial nature. The present pension board has built up a system of legal jurisprudence with which some of us do not agree. With regard to administrative defects, they can be cured by enlargement of the facilities that now exist to deal with the large volume of work that comes before the board. But the inquiry that was instituted revealed certain things. It revealed, in the first place, that the board did not consider it part of its duty to institute inquiries. That brought to the attention of many of us the necessity of such an inquiry being instituted in doubtful cases, and there the value of careful, intensive preparation of the case is obvious. The inquiry also brought out the fact that the board did not perhaps give that weight to medical opinion that it might have given in many cases, particularly when that medical opinion was contradicted by the documents of the returned soldier. For instance, where a practitioner gives a medical opinion and there is nothing on the man's document, the rule, I take it, is that the documents prevail. The physician is not asked to state, as a general rule, upon what grounds he bases his opinion, and the difficulty in many of the cases of complaint centres around that practice of the board which is judicial in its nature rather than purely administrative.

If we had some new machinery to deal with rejections we would be confining our efforts to the present sources of grievance and complaint. We would, in that new machinery, arrange for adequate preparation of cases, and the bringing of the applicant close to the new machinery. The examination, medical opinion, and the ground upon which it is based, and examination and, if necessary, cross-examination of the comrades of the applicant with regard to his condition in France are, I think, very necessary pieces of evidence, in view of the appalling lack of medical documents in regard to his service in France. This new machinery would deal with all of that. That new judicial machinery would evolve a system of jurisprudence which would be open and known to the persons who are practising before that court, and we would then be in a position to correct such errors as we thought were errors in the years to come. We would know exactly what line the new court takes, and we would be in a position to correct it.

I do not regard this new Pensions Court as an appeal court at all. I do not think that was your intention, Mr. Chairman, to constitute it as an appeal court. It is the court of first instance, in respect of those pension applications which are not admitted, and the court will deal with those *de novo*, hearing all the evidence, reviewing all the evidence, having the men before the court adequately and properly represented.

With regard to the question of appeals and the question of assessment, I am not in favour of appeals generally in regard to assessment, and I make that statement because I think that if we give an appeal in all cases of assessment we would certainly be swamping the new machinery that we set up and impeding its usefulness. I think, as a general rule, there is satisfaction with

the assessment, and if there is any real bona fide complaint with regard to assessment there is now existing machinery whereby that can be remedied, because we can go to the Board of Pension Commissioners, present our case for a review of assessment, ask for a new board, and if there is a bona fide case that new board will be constituted. I would rather rely on that for the time being at any rate, rather than open up the whole field of assessment appeals.

Mr. MCGIBBON: You would not have a periodical review?

Mr. THORSON: It might be advisable to provide for a periodical review; it might be advisable to make some provision along that line. I think possibly there might be an appeal with regard to certain kinds of assessment, for example, with regard to the extent of pre-enlistment disability. I am merely citing that as one of the instances in which there might possibly be an appeal on assessment, but I am not in favour of a general appeal on assessment.

I can see a good deal of merit in keeping the present machinery that we have in so far as that machinery is useful, but I think it is admitted that it is not adequate to deal with the problem that exists, and I should like to see this new system established in some way or other, one that would travel or be located in districts. That would bring the soldier in close touch with the court that judges his claim, but I think that that is necessary only in the case of the rejections. In so far as the board grants pensions now that field is satisfactory and not open to very serious grievance and complaint.

Mr. ROSS (*Kingston*): Mr. Thorson, I think the great criticism we found was that this board as at present constituted was overworked. How would you relieve it?

Mr. THORSON: I think it is probably essential that we increase the present facilities of the Board of Pension Commissioners.

Mr. ROSS (*Kingston*): My question is how are you going to relieve the situation. You are letting all cases in, and, as I say, at the present time they are overworked. That is the criticism I find.

Mr. MCPHERSON: Would not that be overcome by starting on this basis, that any application which had been referred to the board and refused to date should be immediately subject to hearing by the new board on request, so that the pension board would not have to go into that at all.

Mr. ROSS (*Kingston*): That would relieve it a little, but to give satisfaction to a man you have got to give him an appeal on everything that is there. My idea is that you are not lessening the work of the central board.

The CHAIRMAN: Oh, yes, Colonel Thompson points out to me that if all doubtful cases were immediately passed out of the Board of Pension Commissioners, that would relieve them enormously.

Mr. ROSS (*Kingston*): How do we know they are doubtful?

The CHAIRMAN: I mean all the cases they consider doubtful. Take the cases that they consider they can grant right away, they will grant them, and the doubtful cases they would pass on to someone else. It would be purely administrative.

Mr. ROSS (*Kingston*): With the central board operating here, and passing on assessment, entitlement, and so on, and with your travelling board operating, you will find that in certain areas they will find cases of men who will say, well, I was entitled by the Board of Pension Commissioners, and disentitled by the other. My idea was to get rid of all that, and to have every case come before the travelling board.

Mr. GERSHAW: At the present time, and for the past year or so, there have been about a thousand new cases coming into the board every month for pension.

The CHAIRMAN: Two thousand.

Mr. GERSHAW: Well, suppose that these are to be assigned to three courts.

The CHAIRMAN: Eighteen hundred was the number, I think.

Mr. GERSHAW: As I say, if these are to be assigned to three courts, that would mean about six hundred cases per month for each court. Suppose they sit for twenty days in a month, that would mean thirty cases a day which they would have to decide. Now, the question occurs to me, is not that a greater number than they should be asked to consider.

The CHAIRMAN: It is better than one hundred a day now. That is the only thing we can see in favour of it.

Mr. GERSHAW: Doubtless a great number of routine cases could be eliminated, which would leave more time for the board to consider the remaining cases.

Mr. BLACK (*Yukon*): The evidence has shown that the Board of Pension Commissioners is overworked, and that is something that must be taken into consideration. So far as the suggestions are concerned personally I would favour calling them boards. There is a great deal of difference between a board and a court. For instance, the decision by a board is never final. The man who has an application before a board may get a decision that does not suit him, and he can go to any member of that board and say, "You made a mistake, you did not consider so and so," and he would be heard. But I cannot imagine a man going to a judge and saying, "Well, old man, I think you have made a mistake," and the judge saying, "You are right, we will reconsider this case and give you pension." The word "board" is much preferable to the word "court," and I would say that four separate boards with equal jurisdiction would be eminently satisfactory. The application should go to the district court in which the applicant lives, in the first instance, and not come here to this central board and be dealt with by it, and then go out to the district board by way of appeal. I think the work should be centralized in the four different districts, and the decisions of those district boards should be absolute.

The CHAIRMAN: Would it be your idea that those boards should hear the case de novo?

Mr. BLACK (*Yukon*): An appeal board hearing de novo, if the applicant chooses. He can give his record, and, if he wishes, he may be represented there. And, further than that, I would give that appeal court power which the present appeal court has not got. I would give them power to award pension and say how much the pension should be. To-day the appeal court cannot do anything of the kind. I believe you cannot get a final decision from the appeal court at the present time, saying your man's disability is such a percentage and he should get so much per month. As I say, I would give the appeal court power such as real appeal courts have. I doubt if there would be very many loose applications for pension if we had better equipment and better qualified legal advisers for the applicants, because I think most advisers would take a shot at the case anyway, whether it was a strong case or a weak case.

Hon. Dr. MANION: If not, the men would not be satisfied.

The CHAIRMAN: We would be back at the same trouble.

Mr. BLACK (*Yukon*): I think General Griesbach and others are right when they say the soldiers' advisers have not been efficient counsel. I have had considerable experience myself, largely, I suppose, because I happen to be a member of parliament. Applicants come to me and say, "I should have been entitled to pension," and I would say, "Take it to the soldiers' advisers," and they would say, "Well, I have taken it to the soldiers' adviser, he has taken it to the Board of Pension Commissioners and the appeal court and he is through. Now what can you do for me?" In a number of cases I have discussed the

man's application, and have found a lot of valuable evidence that has never been presented at all, and I have put it up to the appeal board, and pension has been granted. It does seem astonishing that there are so many cases called new coming on each month. Surely pretty nearly all the applications for pension must have been made by now, because the war has been over for ten years and more, and a man is not going to wait for ten years before applying for pension. I am inclined to think that that should be a matter presented by the government, it is a government responsibility, and the work this committee is doing now is the work of the government. We should not be asked to sit as a committee of private members to do the work of the department, that should be the work of the minister of the department. He should do that work and bring in his recommendations. However, we are here charged with that duty now, and we are trying to do the best we can. We agree that there should be four district pension boards, and a permanent appeal court established with power to act.

Mr. Ross (*Kingston*): In this suggestion "the court may, at its discretion" refer the evidence to the Board of Pension Commissioners; is that not sending the man around in a circle again when you suggest that is one of the duties of the appeal board in dealing with the case.

The CHAIRMAN: I will drop that; that is dropped. That is part of the general scheme.

Mr. Ross (*Kingston*): I want the decision of the board final, subject to appeal.

The CHAIRMAN: It is part of the general scheme, but I could explain that, I think. I am more or less in the position of having to defend my memorandum, but I want to say that I am not wedded to the whole or any portion of it. I am very glad indeed that at least the principle involved, I may say, has been largely accepted by the members of this committee. Let us deal with the objection raised by General Ross in his suggestion. My thought in proposing this, was to divorce entirely or in so far as I could, the judicial side from the administrative side. I always had in mind the giving of the benefit of the doubt or some kind of benefit of the doubt, to the soldier, and I cannot conceive in my own mind, of the man who prepares the evidence, who collects the evidence, being able to give a judicial decision and to apply any reasonable doubt. The Pension Board, as it is at present constituted, and as these pension boards will be constituted when they are separated under General Ross's scheme, will be the people who prepare the evidence; the evidence is not put before them. The case will begin by the soldier writing to this sectional pension board, and it will say "produce your doctor's certificate." That pension board will have to be staffed with medical officers, the same as the board in Ottawa is staffed.

Hon. Mr. MANION: I do not think the proposal was to cut out your idea of the soldier representatives at all.

The CHAIRMAN: Oh no, it is not that. The routine procedure, as it is at present, is that the applicant writes to the Pension Board, and the Board will first ask him to produce his medical certificate as to his condition. There is a great deal of correspondence exchanged between the Board and the man, and at a certain period the Board will say "we have enough correspondence and enough evidence before us, we will now give a decision." This, instead of one centralized board at Ottawa, will, under General Ross's suggestion, be divided up into the four corners of the country. I am assuming that the separate boards will have the powers and jurisdiction which I propose to give to them, viz.; that of the benefit of the doubt when the case is fixed for hearing. I suppose at a certain date they will fix this case for hearing so that the man may be

represented at that hearing. He is not going to walk in to the Board and say "I want a pension." If he does, the Board will require his case to be properly prepared, and I think it is right for me to say that nine out of ten times the man is not fit to prepare his case. His case will have to be prepared and a date will have to be fixed for the hearing. The Boards will have to hold a hearing at certain dates. Now my objection mainly is that the people who hold these hearings, will have seen all the evidence in connection with that case, and will have become prejudiced in their own minds.

Mr. ADSHEAD: The Board will have seen the evidence before it comes up for hearing?

The CHAIRMAN: The Pension Board, as instituted under General Ross's suggestion, will prepare the evidence for the hearing before that board, do I make myself clear?

Mr. MACLAREN: No, it is not clear to me.

The CHAIRMAN: I will go over it again. The applicant from New Brunswick will write in under General Ross's suggestion to the Board at St. John, and this board will ask him to produce his medical certificate, and to give all his evidence in writing, because he cannot walk in and do that. If he just walks in and says "I want a pension," the Board undoubtedly will send him back to prepare his evidence, or send him to some one to prepare his evidence for him—

Mr. BLACK (*Yukon*): He might walk in to the clerk of the commission.

Mr. ADSHEAD: The soldier adviser will prepare his case; why should the Pension Board prepare his case before it comes before them?

The CHAIRMAN: You will have someone, you may call him clerk or whatever you like, who will receive all the documents in connection with the case.

Mr. MCGIBBON: When an application comes in, would not that pension board refer it to their medical man? The Board should have their own officers who will examine all the evidence, and then make a report, presumably, that never comes before the Board before the case comes up for hearing.

The CHAIRMAN: That evidence comes before them before the case comes up for hearing.

Mr. MCGIBBON: They do not know anything about it until the whole file comes up for hearing.

The CHAIRMAN: We have the position that the Board will have the opinion of their own employee presented to it.

Mr. MCGIBBON: But not before they hear the case.

The CHAIRMAN: Even before they hear the case, it is their own employee, and I am rather disinclined to give the benefit of the doubt to people who are in the position of having anything to do with the judicial element in the case. What I had prominently in my mind is the same as where you have a judge who hears all the evidence submitted by one side and then the other. As it is in this case, all the evidence is presented, but the Board of Pension Commissioners are in the position of having refused the pension and they have their representatives present to justify their position. On the other side, you have the returned soldier's friend, or the person chosen by him, or a man specially selected to plead the case. The judge, or judges, then are able to sit and after having weighed all the evidence, give the benefit of reasonable doubt. I say they cannot do that if they are in the position of having acted in an administrative way on the case.

Hon. Mr. MANION: I want to ask this question, with a view to clearing this up. How, by your suggestion, leaving the Board of Pension Commissioners, as you say in Clause 1, as at present constituted to continue to exercise its

functions and jurisdictions; in other words, how, by leaving the Board of Pension Commissioners as they are, how are you going to save time, considering the number of cases with which they are inundated at the present time?

The CHAIRMAN: In the first place, 25 per cent would be granted offhand; that is done now. I would go further, I would revise my own memorandum to this extent, that I would have the Board of Pension Commissioners here in Ottawa, if they say this case is a doubtful one, send it along to the Appeal Board. The same would apply with a western case, or an eastern case. It could be sent along to this board, but I think you will find an argument in favour of giving these courts administrative power in awarding pensions, but you will find it will be practically impossible if you have four separate pension administrative bodies. That is from the standpoint of their own administration.

Hon. Mr. MANION: They are administering the law throughout this country.

The CHAIRMAN: We are administering the law throughout the country, but I am going to say that administrative and judicial functions must be so far as possible, separated. The country is large, and the administrative duties requiring the investigation of these cases, are heavy, and must be so if the Board has all those people reporting to it. I should imagine at the present time, that the work of the Board to the extent of 50 per cent must be in controlling their doctors and looking after the different phases of activities in connection with pensions, which duties are not judicial. It was the idea of splitting this judicial from the administrative, that I had in mind. It would be the Board's administrative duty if it is a cut and dried case, to give the pension, but if it is not a cut and dried case, send it up to the Board if you like, but in any event, centralize it all under one head, you will have to do that.

Hon. Mr. MANION: We agreed to that.

Mr. McGIBBON: I do not see where that is going to eliminate any work; they will have to read the file before they will be able to decide whether it is a debatable case. It is going to take the same time, and I cannot see where you are going to eliminate the burden of your work.

The CHAIRMAN: There will be less work because the case which is granted will cause no criticism.

Mr. McGIBBON: They cannot grant or refuse until they see the case.

The CHAIRMAN: But they do grant cases and refuse cases.

Mr. McGIBBON: I am speaking of the question of relieving the Board of its work; they have to review the case, and then either give a decision for the man or reject it.

The CHAIRMAN: I would be prepared to add two more men in Ottawa.

Mr. MacLAREN: Two more courts?

The CHAIRMAN: No. Two more men to the Board, but I still believe this administrative work has to be centralized, and it must be centralized at Ottawa.

Hon. Mr. MANION: As far as centralizing the work in Ottawa is concerned, the administrative work, paying the cheques and so on, that can be done here.

The CHAIRMAN: We give a pension in a clear-cut and dried case and the paying is done by the S.C.R.

Mr. ILSLEY: Would not your scheme relieve them of a lot of work in the way of hearing doubtful cases?

The CHAIRMAN: Undoubtedly.

Mr. ILSLEY: These cases are brought up time after time.

The CHAIRMAN: Yes. I do not care whether you call them courts or boards, I have this in mind, that the people of this country have confidence in our courts, and I would like to give all possible formality to them.

Mr. Ross (*Kingston*): Then this is an appeal court?

The CHAIRMAN: No, this is not an appeal court, the hearing is de novo. The man comes with all his witnesses, and the whole case is reviewed. It is not an appeal court, it is a complete new hearing, because in an appeal court they only hear evidence that is already given.

Sir EUGENE Fiset: It is a re-trial.

The CHAIRMAN: It is a court for the re-hearing of the doubtful cases before the commissioners, and the S.C.R.

Mr. McGIBBON: Should those not go to the appeal court?

The CHAIRMAN: No, because it is impossible in a court of appeal, you would not be able to have all the evidence heard absolutely anew. In an appeal court they would not see the witnesses, and if it was carried on in that way, the man would not believe he was getting an appeal.

Mr. Ross (*Kingston*): But you would be doing the work over twice, in a large number of cases.

Mr. BLACK (*Yukon*): That is the same with our courts; the case from the magistrate goes to the county judge, where it is a trial de novo, and at the same time it is a court of appeal.

The CHAIRMAN: That may be true, but I would not call it a court of appeal, I would call it a court of first instance, to deal with doubtful cases that come before the Pension Board. My principle thought in this court is to give the right to somebody to exercise the doctrine of reasonable doubt, and I am afraid it can't be done if the duties are at the same time administrative and judicial.

Hon. Mr. MANION: But there is an Appeal Board in the suggestion of Mr. Ross, to whom they can appeal the same as your suggestion.

The CHAIRMAN: I would not like to have every case go to the Appeal Board, de novo. I want to revise my memorandum by limiting appeals. I would limit the right to appeals very strictly to exceptional cases, and then only as to the interpretation of the law, or the obtaining of the right to appeal from the appeal court. Mr. Black's suggestion is that we are simply spreading them all out and then bringing them back through the neck of a bottle.

Mr. BLACK (*Yukon*): No, you don't spread them out, they are already spread.

The CHAIRMAN: Every one will come to the central board and you will have your machinery clogged.

Mr. BLACK (*Yukon*): They will not all come back, there will be some favourable decisions.

The CHAIRMAN: But even in the case of favourable decisions, there will be appeals from assessment.

Mr. McGIBBON: You are creating another court.

The CHAIRMAN: No, I am not even going to go that far; I will accept Mr. Thorson's suggestion and say that automatically, when the Board of Pension Commissioners find that a case is doubtful, and about to be rejected, they will send that case on to the courts. It may be a western pension board if you like, it does not make any difference to me, but send it on to that particular place because I do want all the administration centralized somewhere.

Mr. MANION: The only ones the Ottawa board deal with would be the successful ones.

The CHAIRMAN: The successful ones, the cut and dried cases.

Mr. MACLAREN: They would have to look at them all.

The CHAIRMAN: Well, you have to collect them in a central place.

Mr. THORSON: All the rejected cases will be submitted to this court for reinvestigation and rehearing.

Mr. Ross (*Kingston*): There are still certain things in regard to the proposals that I cannot think would be fair. You are going to bring all your cases to the Board of Pension Commissioners and they again will have all the information and all kinds of things accumulated.

Hon. Mr. MANION: And three minutes to do the work.

Mr. Ross (*Kingston*): And you will say to the man if you are not satisfied, "come down to this pension court, but we as a Board of Pension Commissioners, are going to fight you." That is not going to give you any satisfaction. Further, you cannot say what right the Board of Pension Commissioners has to come into court and fight the case.

The CHAIRMAN: To protect the public treasury.

Mr. McLEAN (*Melfort*): Under your proposed scheme, as I understand it, the Board of Pension Commissioners in Ottawa would not be fighting a case in Vancouver.

Mr. Ross (*Kingston*): That is my interpretation. They would go there to defend their decision.

The CHAIRMAN: I could not give the benefit of the doubt unless both sides are represented.

Mr. Ross (*Kingston*): If the Board of Pension Commissioners want to defend their decision, the suggestion is that their representatives come down to this court.

Mr. McLEAN (*Melfort*): I do not understand it in that way.

The CHAIRMAN: Undoubtedly, if I am going to give the benefit of the doubt, I must see that the public treasury is to be protected by some submission being made on behalf of the Board. I would go that far. I do not want to give the benefit of the doubt without a corresponding check; I do not think it is a fair thing to the public.

Mr. Ross (*Kingston City*): I am going to get away from that, but before I pass away from it, there is this much to be said, there is just as much dissatisfaction to-day after the Board has given its decision on entitlement or on assessment.

The CHAIRMAN: Quite.

Mr. Ross (*Kingston*): And I am prepared now to open up an appeal on assessments. Therefore nearly all the cases that they have decided as eligible will be heard on assessment. You cannot get away from that. This appeal on assessment then will come down, and you wipe out a great many of the cases which you say now have been settled. I do not see that. I am quite prepared to-day to give the man the right of appeal. And I find too that there is just as much justice on the appeal on assessment, but that has been cut out; but I am prepared, for one, to give that right of appeal. I think still that the separate pension boards will be the simpler and easier way. As I say, this is my opinion, and it is going to mean quite a little in other meetings when we come to discuss it. After all, I am prepared to accept what is the best, and to give the man the square deal right down the line; but I cannot just see how you are going to relieve this court of its original function and jurisdiction.

The CHAIRMAN: Would you let Colonel Biggar make a suggestion?

Mr. Ross (*Kingston*): I do not know how much Colonel Biggar knows about it. He will be our counsel to draft this, after we decide what we want. I would rather take Colonel Thompson's opinion. But after the cases which we are talking of to-day have been settled, there will still be the appeal.

The CHAIRMAN: I do not see much between us except the matter of administration.

Mr. Ross (*Kingston*): I am trying to get into the spirit of the man who has a case, and he has got the board with the secret precis and all that before him, and that is going to be an opinion already given on his case. I think that every member of this Committee wants to get away from that.

The CHAIRMAN: Will not the Pensions Board out in Victoria have taken the opinion of its medical adviser with his secret precis also?

Mr. Ross (*Kingston*): Yes, and that is why I want the complete board. After all, if you do this, and give this authority, you will have to come back again and say that after all the simple statement of the case at the trial and then the appeal is the correct thing.

The CHAIRMAN: You would like to hear Colonel Thompson on that?

Mr. McLEAN (*Melfort*): Before we hear Colonel Thompson, there is a point I should like to bring up. If General Ross' opinion is that all the cases arising in the district go to these courts in the first place, I agree that the employees will prepare them, and I do not see how they can avoid being prejudiced for or against the application before the man comes before them. The reason why as many cases as possible should be disposed of here, before they go out to those courts, would be, I would point out, that a board at Winnipeg, administering from the lakes to the mountains, has a tremendous territory to cover, and if they can get even 25 per cent of the cases disposed of at Ottawa, before going west, they will save a tremendous amount of travel. There are probably fifty judicial districts—

Hon. Mr. MANION: Pardon me. But would not the local boards that General Ross suggests settle the cases without travelling, because they would only have one-quarter of the number of cases to consider and deal with? If a Board at Winnipeg has a tremendous distance to travel, the Board at Ottawa has to do more.

Mr. McLEAN (*Melfort*): It is possible they would settle 25 per cent, but in doing that they would be going over and deliberating on and getting an idea in their minds about the other 75 per cent, which I would rather keep them away from altogether. So that if the Board at Ottawa could reasonably settle 25 per cent, it would lighten the work of the board at Winnipeg. There would inevitably grow up a tendency to do less and less travelling and settle cases in the office. To my mind the benefit of this new scheme would be that the applicant would be able to come before the Board and they would be able to settle the case without opinions previously formed, and would be pretty much in the position of the court of King's Bench; and it would mean that after a while there would not be work enough. I think the time would come when there would be fewer sittings.

In the meantime, if there are fifty judicial districts to visit, I think if they were to visit these districts on an average of twice a year they would be extremely busy; and if as many cases as possible could be settled, it would leave them more time for the cases which would come before them. If they do not settle them beforehand but make a brand new start in the court, and do not settle them in the administrative offices, which I admit they might do in many cases, they will spend much of their time travelling. That is a strong point, coupled with the point raised by General Griesbach as to the complete preparation of the cases.

Mr. Ross (*Kingston*): Even if you had a legal adviser, would you satisfy the man who is refused that there was nothing in his case?

The CHAIRMAN: No.

Mr. McLEAN (*Melfort*): No, but I think if a high class legal adviser, who is known to be one of the best men in that district, with an adequate staff, prepared the cases for them, these applicants are reasonable, intelligent men,

and knowing the reputation of the man and seeing his application to their interest, they would be much more likely to be satisfied than is the man who writes me to-day saying, "My application was rejected. I gave it to so-and-so, a soldiers' adviser, and he told me that the case would come up at a certain time, and I have waited, and I now find that the case has not come up at all".

Mr. ROSS (*Kingston*): If you had, in the first instance, the appearance of the man before the Board, do you not think it would cut out 90 per cent of the dissatisfaction?

Mr. McLEAN (*Melfort*): Yes, but there are 25 per cent of the cases—

Mr. ROSS (*Kingston*): Do not think of that 25 per cent; that number would be entitled along with the assessment.

Mr. McGIBBON: May I ask Colonel Thompson a question? It has been stated by the Chairman that you are prejudiced when a case comes before you, having collected the evidence. What I should like to know is this: when an application comes in, do you not send that to your medical advisers, and does not your staff prepare all your cases for you?

Colonel THOMPSON: Yes.

Mr. McGIBBON: When you sit down as a board of two or three, there is no prejudice in your minds in regard to that case?

Colonel THOMPSON: No, not the slightest. Nor, where we have refused the pension and additional evidence is put in, we are not prejudiced. Of course we know there is that formal decision there against the man, but we are not prejudiced on the ground that he brings it up again.

The CHAIRMAN: I may have expressed myself badly, and I would apologize for the use of the word "prejudiced".

Colonel THOMPSON: I have nothing of a constructive nature to offer at the moment. But what I am going to say, I want to show you, in regard to any observations made by the members, that it is a matter of absolute indifference to the Pensions Board and to myself personally as to which, if any, or all the suggestions are adopted. General Griesbach put his hand on one of the weakest points and one of the causes of the greatest number of rejections, namely, the improper preparation of the cases; in many instances the preparation is absolutely negligible; in others, the soldiers' advisers consider that volume is equal to quality. I can only suppose that is due to lack of proper qualifications in any soldiers' adviser who would put in a volume of evidence, as against putting in quality; simply by reiteration of the same thing they seem to think that entitles to pension, although the evidence submitted may be far wide of the mark.

Now, on this question of assessment, as I say, it is immaterial to the Board whether appeal courts are given the right to consider assessment; but I merely point out this, that at the present moment there are between 20,000 and 25,000 examinations made a year and assessments made thereon, none of which are seen by the Board; and in more than 99 per cent of the cases it would be idle for them to come before the Board, because they deal with diseases, and I, personally, am not in a position to judge of the disabling condition as described in a certain heart condition.

In spite of what General Ross has said, I cannot agree with him that there is any degree of dissatisfaction with the assessments. We have very few protests with regard to assessments, as a matter of fact; and generally speaking, whenever the Board has been able to travel, those are the cases which they see and that is the vast majority of the cases that they see, namely on the question as to whether or not the man is getting the proper amount; and generally speaking, when the Commissioners have seen the men are satisfied, having seen what they

consider the head man in the thing, as against having seen merely the medical adviser or medical examiner. There are very few cases of what I would call resulting dissatisfaction with assessments.

The appeal court, in addition to what we have, will have an additional potential 25,000 appeals every year, because I think a man would be a silly fool if he did not appeal every time he was examined and assessed. There is not the slightest chance of his ever losing anything, and he might stand to gain something. And if I were a soldier's friend or a veterans' organization, I would advise the men to appeal every single case after examination.

Mr. ROSS (*Kingston*): If he has not been seen?

Colonel THOMPSON: Whether he has been seen or not, I would advise him to appeal.

Mr. BLACK (*Yukon*): He would always stand a chance of having his assessment cut down.

Colonel THOMPSON: Not the slightest chance. When I speak of soldiers' organizations, I mean the organization dealing with soldiers' affairs. The Pensions Board deal with matters in the first instance and have to give a decision without seeing the man. It is physically impossible for the Board to see the man, as it is impossible for them to travel except on the average of twice a year to each district; and that could not be done until Dr. Kee, the Chief Medical Advisor, was made an Acting Commissioner without pay. The Statute requires a quorum of the Board to act on all decisions, and when the other two Commissioners go into the outlying districts to see those who are dissatisfied, Dr. Kee and I carry on alone, and that is only possible through Dr. Kee being a Pension Commissioner. So that it is quite impossible for the Board to travel extensively. On the other hand, when we give a decision without seeing the man and being able to tell him face to face wherein the weakness of his case lies, and then the Federal Appeal Board go and see the man and give a decision on the evidence which is before us, but without the power to take additional evidence in court when the man or his counsel is present. That is the weakness of the situation; and whatever court or whatever new arrangement you make, the people who give the first decision against the man should be the board or the court that sees him.

Mr. HEPBURN: That is right.

Colonel THOMPSON: Now with regard to these local courts; this question is not as simple as appears on the face of it. There are all sorts of difficulties which do not appear at first sight. For instance, you give a man the right to appeal with regard to a heart condition. You sent the file out to the court. Probably that man already has entitlement with regard to amputation, or possibly from a gunshot wound with suppuration, and possibly that suppuration has set up a heart condition; and the file goes out to the court, wherever it may be held, but all the time there is work to be done here, not by the Pensions Board but by the Pension and Health Department who look after all the administration work in connection with the payment of the cheques, bringing an extra child on for pension, in respect to whom the man is already entitled to an allowance; or there are children dying; and there are men getting married and there are wives dying; and there are allowances in a number of instances for dependent parents, and one parent dies, and the pension has to be reduced or revised, and so on. And all this time the file is out in the field.

Now, unless there is some method of reducing the number of appeals, I quite agree with the member of your Committee—I forget who it was—who said that you were going to swamp the new administration and they would not be able to carry on. If there could be some method of separation prior to the

files going out, it would simplify matters immensely. The files, in the first instance, are prepared by the Board, and somebody must prepare them; they cannot be prepared outside, because in a large number of cases the man is already on pension. In a large number of cases he is not only on pension but it is a question of reconsideration over and over again. Unless you have some process of elimination, you are going to clog the administration, and my opinion would be that the Pensions Board or somebody here—I do not care what you call him—can make a proper elimination.

There are cases which are perfectly clear, which would never be put up to the Board, in my opinion, if you had a soldiers' friend properly qualified. Then there are numbers of cases, probably nearly 25 per cent of all the cases which come before us, which would be admitted at once. A large number, I do not know how many, probably another 25 per cent, would never be allowed to come before the Board by a properly qualified practitioner, who would say to those applicants, "You have not got any show." At the present time, I think it would be worth the soldiers' advisor's life, I mean his position, if he were to say to a man, "You haven't a chance, and I will not put it before the Board." And yet our machinery is clogged down here by such cases coming before the Board, where there is not the faintest possibility of the application being granted. Then there are cases coming before the Board, and I cannot see why these cases should go to the outside district courts, where a man is on pension for tuberculosis; the file shows that he is married, that he was married prior to the incurring of his disability; and the man dies of tuberculosis, and it is as clear as a pikestaff that that woman is entitled to a pension, if she was supported by him, and yet the file would have to go outside for the determination of whether that woman is or is not entitled to pension.

Hon. Mr. MANION: Do you consider that your Board has time to deal with all these cases? You would be dealing with them all under your proposition.

Colonel THOMPSON: No. As General Griesbach has suggested, with a properly qualified practitioner to advise the applicant whether he has a case or not, matters would proceed more smoothly.

The CHAIRMAN: You can rule out the fact that he would refuse to put his case up. I do not mind the rest of it.

Mr. THORSON: I should like to ask a question of Colonel Thompson.

Mr. Ross (*Kingston*): It is now one o'clock, Mr. Chairman, and there are a number of other questions yet to be asked, so that we will have to postpone the completion of Colonel Thompson's statement. Could you bring to us, Colonel Thompson, the number of appeals or protests against assessment, because my experience is that 50 per cent of the cases deal with assessments?

Colonel THOMPSON: I would say that it would be a fraction of one per cent who protest.

Mr. Ross (*Kingston*): I think I can show you one per cent on my own file.

The CHAIRMAN: Four o'clock, gentlemen.

The Committee adjourned until four o'clock.

AFTERNOON SESSION

The Committee resumed at four o'clock.

The CHAIRMAN: At the adjournment we were discussing certain matters with Colonel Thompson. Colonel Thompson, you were explaining the effect of these proposals.

Colonel THOMPSON: I wish again, Mr. Chairman and gentlemen of the committee, to say that the pension board personally have not the slightest objection whatever to any machinery that may be set up by parliament, and my observations are directed not towards what may happen to the pension board, or its authority, or to its standing in the future, but merely to point out the difficulties which are going to arise in connection with any machinery that you may set up.

Mr. McPherson referred to the large number of cases which the board has to deal with in connection with reconsideration. That is very true, and that, in a large measure, is due to the improper manner in which cases are presented to the Board from outside. Letter after letter will come in reiterating the same set of circumstances. The board will consider those letters. It gives its decision. Another letter will come in to the same effect. Sometimes as many as six and eight reconsiderations are given, all because the case is not properly prepared in the first instance. I think if properly qualified men were appointed to look after those cases, as General Griesbach suggested, there would be a great diminution in the number of reconsiderations given by the board and brought to their attention, which necessarily take up a great deal of time, because every time reconsideration is given all the previous evidence has to be referred to.

Senator GRIESBACH: Will you say at that point that if cases were properly prepared the number of pensions that you would give would probably be increased.

Colonel THOMPSON: I cannot say what proportion.

Senator GRIESBACH: But there would be an increase in the number of pensions.

Colonel THOMPSON: I would say yes, undoubtedly.

Senator GRIESBACH: A number of pensions that are now refused would be granted.

Colonel THOMPSON: Yes, I was coming to that a little later. Apart altogether from any interference—and when I say interference, I do not mean objectionable interference; perhaps a better word to use would be intervention on the part of the soldier's adviser. Now, the proposition is to set up a stationary outside court, or courts. What I mean by stationary courts are those which will not be based on Ottawa, but will be based on the various districts such as the Maritime Provinces, Ontario, possibly Quebec, and the Western Provinces. That is the outline of the proposition.

The CHAIRMAN: Which propositions are you discussing?

Colonel THOMPSON: Outside courts.

The CHAIRMAN: The courts, and not the division of Board of Pension Commissioners.

Colonel THOMPSON: Stationary outside courts.

The CHAIRMAN: Why do you call them stationary?

Colonel THOMPSON: Because they are not based on Ottawa.

The CHAIRMAN: But they will travel.

Colonel THOMPSON: They will travel in the area allotted to their jurisdiction. With regard to that, I offer the following observation, namely, the absolute necessity of the files being in Ottawa. At the present time we are continually receiving telegrams from the medical examiners out in the districts, asking that a decision be given immediately as to entitlement in some urgent case, such as treatment or operation for gastric ulcer, hemorrhage, or appendicitis, or treatment or operation in respect, perhaps, to amputations or some other condition such as nephritis and so on.

Hon. Mr. MANION: Why should there be such a hurry for entitlement in a case like that?

Colonel THOMPSON: In regard to the haste for decision on entitlement, the man will not be admitted to hospital unless entitlement is granted.

Hon. Mr. MANION: Oh, that is not right; he is never refused hospital.

General GRIESBACH: At government expense.

Hon. Mr. MANION: At government expense, that is a different matter.

Colonel THOMPSON: At government expense, that is what I am referring to, when I am talking about admission to hospital, by the Department of Health. They will only admit him after entitlement has been given. If the files are out in the district, and if application is made, the Board, or whatever authority is at Ottawa dealing with pensions, could not possibly give any decision on entitlement.

Mr. MACLAREN: Does the Appeal Board take the file?

Colonel THOMPSON: No, I was going to come to that, a little later. They do not. I will deal with that later. Apart from that particular matter of urgency, I might say that I made a few notes during the luncheon hour of matters with respect to which it is absolutely essential that either the Board, or whoever carries on the work of the Board and the Department of Health, must have the files here in Ottawa. The following are the matters which have to be given consideration, and which affect either the issue of the pension cheque or affects its increase or decrease. I will give them in the following order:

Pensioners dying of a pensionable condition—immediate question of entitlement for their children and widows.

Children dying and a change in the amount of the pension cheque is necessary.

Children born and additional pension is due the man. There is an addition to the pension cheque, and it is increased.

Children maturing by reaching the statutory age limit. A reduction in the amount of the pension cheque is necessary.

Application for pension for a child beyond the statutory age limit.

The checking over by the Department of the life certificates to the effect that the pensioner is alive, that he is supporting his wife, that his children are alive and being supported.

Application by a wife separated from her husband by apportionment pension moneys.

Application for allowances by the pensioner on behalf of his parents—reduction in the amount of the monthly cheque because the pensioner's parent has died.

Application for allowance for a person acting as housekeeper other than the man's child.

Application for a man's child as housekeeper.

Application for continuation of a child through disabling condition prior to the age of twenty-one.

Application for pension other than the condition under which he is now pensioned.

Application for clothing allowance.

Application for inability to wear an artificial limb or prosthetic appliance.

Application for pension for child given in adoption.

Case where a man is on pension by the Board but is put on diagnosis for another condition which may be related to his service. The pension stops and the Department requires the file. The case where a man on pension is hospitalized for this condition, while his appeal is pending for another condition. The pension stops and the Department requires his file in respect of allowances.

Application by wife for increased apportionment of pension.

Suspension of pension of a man who has been sentenced to prison.

Application by the wife of a man who has been sentenced to prison, that the pension be continued during the term of imprisonment.

Application for pension by a man sentenced to prison for reinstatement of his pension after discharge from prison.

Application by a man who has been sentenced to prison that his pension be continued because he has appealed from the sentence of imprisonment.

Administration of mental cases.

In addition to these, there are the dependency claims, apart from the claims of father and mother. That is where a man is dead and where pension has issued.

Application that children's rates be increased to orphan rates.

Children's rates being decreased from orphan to ordinary rates.

Widows' pensions being administered on account of illness, or on account of inability to manage her financial affairs.

Administration of children's pension.

The changing of administrators.

The continuing children's pension beyond the age limit on account of illness or educational purposes.

In all or any of those cases it will be necessary for the file to be here in Ottawa continuously.

Hon. Mr. MANION: What inability would there be to deal with any of those cases if there were district boards such as suggested?

Colonel THOMPSON: The Department requires the files, there are all the department regulations with regard to the cheques.

Sir EUGÈNE Fiset: Colonel Thompson, I would ask you to explain the central registry. I understood there exists three central registries, which are interlocking, or operated jointly by the Board of Pension Commissioners, and the Department of Health. The first is the files used jointly by the Board of Pension Commissioners, and the Department of Health. Second, there are the military files in the hands of the central Militia Department, and third, the overseas files that are at present in the Archives, and under special registration. Therefore, there are these three central registries that have to be dealt with by the Department of Health.

Colonel THOMPSON: That is so.

Sir EUGÈNE Fiset: These files are here and would all be consulted; therefore the need for them to be in a centralized registry, and copies of those files are required for the Board to carry on its work.

Colonel THOMPSON: Yes.

Sir EUGÈNE Fiset: And over and above that the Pension Board, in granting pension, requires all those files because not any one of them is complete, and the same applies with regard to the Department of Health.

Hon. Mr. MANION: May I not put it this way, the files would have to be sent to these boards, they could not consider a case without the files.

Sir EUGÈNE FISET: Only partial files would have to be sent.

Colonel THOMPSON: In addition to the matters to which I have already referred, there are letters continually coming in to the Department on various matters, particularly, for instance, with reference to applications for loans, under the disablement fund. If the files are out, those matters could not be dealt with. In addition to this, there are continually letters coming in from either friends of pensioners on their behalf, or members of parliament, with reference to a man's claim; and if the file is out, those letters could not be dealt with until the file is returned. And if, Mr. Chairman, the members of the Committee think I am laying too much emphasis on the absolute necessity of the files being here, I would suggest that the Committee visit the Department of Health and see what the files are in use for. That is in addition, of course, to the question of the military documents, which are not under the control of our department but under the control of the Militia Department.

Sir EUGÈNE FISET: The overseas files?

Colonel THOMPSON: The overseas files. On this point it may be a matter of interest to the Committee to know that the Federal Appeal Board at the present time do not take the files out. There is in each district a file for each pensioner, but those files are not complete; they have most of the material documents on them, but they are not complete. There is probably a precis of the medical documents, but the original documents are here. So that the Federal Appeal Board, even under its present operations, have to rely upon a precis plus what they find on the district file.

Mr. ADSHEAD: They have not the same opportunity of examining the file that you had when you made your decision?

Colonel THOMPSON: Not until they return to Ottawa. They have to come back to Ottawa before they can give a decision, unless it is a clear-cut case. So that it all comes back to Ottawa, in the way I mentioned before, on this question of assessment.

There will be potentially—and I refer only to the disability pensioners—25,000 appeals. As I said, I think a man would be foolish if he did not appeal every time he is examined. At the present time we have, I think, twenty-two medical examiners throughout Canada. They are engaged all day long and every day making examinations, the result being between 20,000 and 25,000 examinations on assessments, in the course of a year.

Hon. Mr. MANION: Are they full-time men?

Colonel THOMPSON: They are full-time men, with the exception of one part-time man, I think, in the city of Quebec.

So that these stationary courts must be prepared, not only personally but through their own medical examiners, to examine all those people to see whether the assessment, in their opinion, is correct or not. And then they must be qualified to make the assessment on the disability tables. It would never do, for instance, to have different disability tables in different parts of the country.

The only other point to which I wish to refer is a criticism which was made during the sittings, that the Pensions Board refuse a man's application on the evidence and do not assist him with regard to his evidence. Now, with regard to the great mass of evidence which is adduced or which might be adduced, that is a matter entirely within the applicant's own knowledge. The Board has no means of ascertaining what evidence he might adduce. It is physically impossible for the Board to do so. The board has no basis on which it might make its investigation. On the other hand, if a man says that he was treated by a physician we will follow that up and find out what treatment was given by that physician, when he gave it, what his records

are, and the nature of his prescriptions. If a man says, I have been losing time, I am still ill now, I had a gastric condition in 1929 and I have been losing time right along since my discharge, so many days per year, we would write and ask him by whom he was employed, and when we get that information we write to his employer, the Canadian National Railways, the Canadian Pacific Railway, the Steel Company of Canada, or whoever he may be employed by and, if possible, we find a record of the time he actually lost and if possible the nature of his illness. That is as far as we can go, because when he intimates to us where the evidence can be found we follow it up. But if he simply says "John Smith says I was ill," that cannot possibly be of any assistance, nor can we follow up indefinite statements with regard to illnesses, made by laymen, who may have seen the man a number of years after discharge. But with regard to anything of material importance which the board can reasonably follow up, in the way of medical evidence or lost time, the board follows it up. Not long ago there was an application made by a man for a condition which he alleged to be pensionable. He gave the name of a doctor who had treated him. In fact, he gave the names of several doctors. Two or three of them had treated this man with regard to the disabling condition for which the man applied. That was some years post discharge, and it did not help the man's case very much, because there was nothing on record of any sort. He also referred to a doctor in a small town in southern Manitoba or Saskatchewan. He gave the name of the doctor. We wrote to that place. The doctor could not be found. We wrote to the post office to find out if he was dead, or where he had moved to, and we ascertained that he had moved to the States. We found out the name of the place in the States he had moved to; he had lived there. We traced that doctor for almost three-months, continual correspondence, and we eventually located him, I think, in British Columbia, and his certificate was of such a nature that the man's pension was granted. I merely mention that to show that we do not sit down necessarily and simply say, "Your case is disallowed."

There are, of course, a large number of cases where men simply write in and say that they are ill with this, that or the other condition, and there is no record on service; there is nothing to assist us, nothing to enable us to come to the conclusion other than the mere letter from a man saying that he is now ill. There is nothing there for us to follow up, or that we could reasonably follow up.

Senator GRIESBACH: It therefore all turns on the preparation of the case.

Colonel THOMPSON: It turns on the preparation of the case. In each district there is a soldier adviser to advise the man, who helps to prepare the case.

Mr. THORSON: On that point, Colonel Thompson, I suppose there are a large number of cases which come to the board without going through the hands of the official advisers?

Colonel THOMPSON: Yes.

Mr. THORSON: What percentage of the applications are made without the intervention of the official soldiers' advisers?

Colonel THOMPSON: A number are made through the veterans' organizations.

Mr. THORSON: Leaving aside those cases.

Dr. KEE: Fifty per cent.

Mr. THORSON: Fifty per cent of the cases come to you without the intervention of any official soldiers' advisers?

Dr. KEE: Yes, at least.

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

Mr. THORSON: So you cannot blame the official soldiers' adviser for carelessness in the preparation of those cases?

Colonel THOMPSON: Certainly not.

Mr. THORSON: With regard to the cases that come to you from the various service bureaus, would you say that those are well prepared or otherwise.

Colonel THOMPSON: The applications which are presented by the Legion in Ottawa are well prepared.

Senator GRIESBACH: What proportion would they be of the whole?

Dr. KEE: It is difficult to say. Most of the cases come direct from the district offices.

Mr. THORSON: That is, the official soldier's adviser has not seen them at all?

Dr. KEE: Yes.

Mr. MACLAREN: Who prepares them in that case?

Colonel THOMPSON: If a man, for instance, has never been heard of, or perhaps he may be a pensioner, with an eye condition, he may possibly go into the district office and say, "I have a heart condition and I think I am entitled to pension for it." The district office will forward that letter to Ottawa.

Dr. KEE: Or if he is being treated or examined for some condition, and some other condition is found that automatically is a claim.

Mr. THORSON: And all of these cases the official soldier's adviser does not see at all?

Colonel THOMPSON: Quite.

Mr. THORSON: And that is fifty per cent of the cases that come before the board?

Dr. KEE: I would judge so, roughly.

Mr. THOMPSON: And those cases are, in a sense, not prepared at all?

Dr. KEE: Exactly.

Colonel THOMPSON: I do not suggest that with regard to those cases entitlement is invariably refused.

Mr. THORSON: No, not at all.

The CHAIRMAN: Have you anything more to say on this, Colonel Thompson?

Colonel THOMPSON: That covers all my observations, Mr. Chairman.

The CHAIRMAN: Well, now, give us your views on the court system. How about the division of the pension commissioners into four separate divisions?

Hon. Mr. MANION: Before you do that, Colonel Thompson, I should like to ask a question. I think I may reasonably draw from your remarks that you do not think the proposition as put forward by the chairman is a good system.

The CHAIRMAN: I take it that he sees very great practical difficulties in the handling of the files.

Hon. Mr. MANION: I just want to get that in brief.

Colonel THOMPSON: That is right. My point is this, that it will be impossible, in my opinion, if there should be what I call stationary courts ambulating around in their own particular sphere.

The CHAIRMAN: I rather object to the word, "stationary," but Colonel Thompson sticks to it.

Colonel THOMPSON: Whatever arrangement you make, of a series of courts to travel, and that will travel, they must be based on Ottawa, not because the Board of Pension Commissioners is here, not because the Department of Health is here, but because the National Defence files, the overseas files, and

the medical documents are here, and those files have to be dealt with continuously. A large number of the files cannot be sent away from here, that is, those files which would be highly inadvisable to send away from here.

Mr. THORSON: If you had these courts travelling from here continuously across the continent, would it not be possible for them to take with them the files relating to the matters that they were going to adjudicate upon.

Colonel THOMPSON: If you do so, you run up against all these difficulties that I speak of.

The CHAIRMAN: They will only be away for a month at a time during the sittings of the court at that particular place, will they not? I may say that I had in mind the difficulties you are pointing out, Colonel Thompson, but I had some idea that it would be possible when a file was required for it to be forwarded, we will say, to the registrar of the county court, and he would be the custodian of it for the time being. If necessary, a copy of the file might be forwarded.

Mr. ARTHURS: In ordinary cases it would not take a long time to make a copy.

The CHAIRMAN: I foresee innumerable difficulties with respect to files. For instance, you could not send a file to every soldier adviser who wanted to have a look at it, but it might be possible to send the file to some custodian, or to the registrar of the court, as I have indicated, but Colonel Thompson seems to see greater difficulties than I foresaw. I respect his opinion. I think he is quite right.

Mr. Ross (*Kingston*): When a man is admitted to hospital it is through your district office.

Colonel THOMPSON: No. If entitlement is given by the board, the board telegraphs out to the district office, and then the department will admit him to hospital.

Mr. Ross (*Kingston*): I know, but the district officer must prepare his case for you. He applies to the district officer saying, "I am sick and want treatment."

Colonel THOMPSON: And the district medical examiner telegraphs in "urgent entitlement required with regard to duodenal ulcer."

Mr. Ross (*Kingston*): Well, then, that entitlement to treatment is practically entitlement to pension, is it not?

Mr. THORSON: The other way around.

Colonel THOMPSON: Yes, entitlement to treatment is based on pensionability.

Mr. Ross (*Kingston*): Now, then, all these cases are practically presented by the district officer to you; it is upon his application to you.

Colonel THOMPSON: With regard to these urgent cases?

Mr. Ross (*Kingston*): Yes.

Colonel THOMPSON: Yes.

Mr. Ross (*Kingston*): So that there is no great preparation in that case?

Colonel THOMPSON: No preparation by the examiner outside, no.

Sir EUGENE FISET: Is it not a fact that your district office has in its possession a partial file of nearly every case they are dealing with outside of what documents exist in the Board of Pension Commissioners and in the Department of Health?

Colonel THOMPSON: Yes, with regard to cases which are on pension, or in regard to cases where pension has been refused.

Mr. ROSS (*Kingston*): What file, then, has the district office?

Sir EUGENE Fiset: Copies of the files.

Mr. ARTHURS: How are those files prepared, in duplicate, and one sent back to the district office? You say they are duplicates?

Colonel THOMPSON: Not necessarily duplicates, no.

Mr. ARTHURS: The official parts are duplicates.

Colonel THOMPSON: The essential parts, yes, but there are a lot of letters.

Mr. ARTHURS: How do you copy those duplicates?

Colonel THOMPSON: In some instances the original letter will be out there and a copy sent here or a precis of the medical documents will be made here by the department of Health at our request, and forwarded to the examiner out in the district.

Mr. ARTHURS: Why not make them in triplicate instead of in duplicate?

Colonel THOMPSON: For whom?

Mr. ARTHURS: For the travelling court, as suggested by the chairman.

Colonel THOMPSON: Then you run up against the difficulty I have named, that you are dealing with a precis instead of all the documents.

Mr. ARTHURS: If they are copies of the documents they cannot be a precis.

Colonel THOMPSON: I should not think it would be possible to make copies of all the documents.

Mr. ARTHURS: The essential documents to a man's application for a pension are his war record, his medical history sheet, and that is about all.

The CHAIRMAN: Particularly if they go before a court. It is a hearing de novo before the court; he makes his own evidence.

Mr. ROSS (*Kingston*): What has the district officer then in the way of documents?

Colonel THOMPSON: If a man wires into the office and says, "I have a gastric condition and I want a pension", if he is not on pension, and if he has never applied for pension before, the district office has nothing whatsoever.

Mr. ROSS (*Kingston*): Yes, but I am asking what the district office has in the way of documents.

Colonel THOMPSON: He has nothing in a case like that, but if the man is on pension he will have original letters sent from the board to him; he will have copies of letters sent by him to the board and he will have a precis of the man's medical documents.

The CHAIRMAN: And a precis of his military history, will he not?

Colonel THOMPSON: Yes.

Mr. ROSS (*Kingston*): That is all for a man that is in that district on pension.

Colonel THOMPSON: Everybody on pension, yes.

Mr. ROSS (*Kingston*): A man drifts in and he says he is sick, he is in that district.

Colonel THOMPSON: Is he on pension or not?

Mr. ROSS (*Kingston*): I do not know whether he is or not. He just drops in there.

Colonel THOMPSON: It depends whether the man is on pension or not.

Mr. ROSS (*Kingston*): If he is on pension there is no question about his being immediately admitted for treatment.

Colonel THOMPSON: Not necessarily, no.

Mr. ROSS (*Kingston*): Why?

Colonel THOMPSON: Because the condition he asks treatment for may not be related to his service in any way, but if the man goes into the district office and has a pensionable condition, and says, "I am in very bad shape with regard to that pensionable condition", why, then, he will be given treatment.

Hon. Mr. MANION: Suppose it was an acute perforation due to an ulcer, that is the reason I asked the question when you were speaking first; supposing a man came in with perforation of the stomach, and the doctor knew he required immediate treatment, which he would under those circumstances, would he still, if in doubt, have to wire Ottawa to get authority to put him in hospital?

Colonel THOMPSON: Is there any history of the man having a gastric condition on service?

Hon. Mr. MANION: I take it that there was not. If he had the history he would be admitted. Supposing he comes in, he may be on pension, but it may not be in regard to the gastric condition, and the medical officer for the district thinks it may be a condition he should get treatment for.

Colonel THOMPSON: There are three types; the case of those which one would say are clearly out, clearly in, and the doubtful.

Hon. Mr. MANION: And the doubtful case, this would be doubtful, naturally.

Colonel THOMPSON: He would wire in for entitlement.

Hon. Mr. MANION: Is there no special rule?

Colonel THOMPSON: That is a matter for the Department.

The CHAIRMAN: The Departments say yes.

Dr. AMYOT: The Department will instruct him to take that man in and get the information afterwards.

Hon. Mr. MANION: That is the point exactly. I took that up with Colonel Thompson and he said the man is refused; he made that statement earlier, that the man might be refused and it might cause the man's death if he was refused.

Dr. AMYOT: The man is brought in and inquiry is made. We do the best we can for him and we send him afterwards to a civic hospital if we have not right, because we must have the right before we can give him treatment.

Hon. Mr. MANION: I would like to point out, Dr. Amyot, if there is no rule that it should be put there very fast.

Mr. Ross (*Kingston*): That is what I was trying to get at. If the man is not pensionable, and this is submitted to you, the applications from the district officer, and there are many such cases, the preparation of that case is in the hands of the district officer, is it not?

Colonel THOMPSON: No, it originates with him, that is all.

Mr. Ross (*Kingston*): Any presentation that is made of that case is made by the district officer.

Colonel THOMPSON: To us, yes; namely, he sends the man's letter or the man's complaint.

Mr. THORSON: There is no special preparation as to those cases by anybody.

Senator GRIESBACH: The answer given by Dr. Amyot is not my experience. Do I understand you to say that any ex-service man presenting himself at a hospital, whose condition is serious, is entitled immediately to hospitalization regardless of any claim he may have.

Mr. THORSON: No, he is not entitled.

Dr. AMYOT: He is not entitled unless under pension, but the emergency man with the perforation, would never be sent away without something being done.

Senator GRIESBACH: What is the practice, then?

Dr. AMYOT: If a man comes in, he is looked after right away, then his entitlement is looked after and if he is not entitled, and it is possible for him to go to that hospital, he would be transferred. In the emergency cases the immediate things are done right away, and no man is sent away because he is not entitled.

Mr. MACLAREN: For humanitarian reasons?

Dr. AMYOT: Absolutely; if the condition that he is suffering from is the one that he is pensioned for, then he has every right to be treated, and the right to allowances and any other privileges that come from that. If he has not been suffering from a pensionable disease, he has no right.

Mr. ARTHURS: If he suffers from a pensionable disability and, say, is receiving a pension of 25 per cent, then he breaks a leg, manifestly he is out of business, and cannot earn a living.

Dr. AMYOT: That is not his pensionable disability.

Mr. ARTHURS: He would not be entitled.

Dr. AMYOT: He would not be entitled to treatment there, but under the regulations of 1928, you have to take him in as class 2, and if he is injured and is not able, or the situation is such that he cannot get treatment, then he is given as class 2.

Mr. ARTHURS: Do you make those inquiries first, or do you take him in first?

Dr. AMYOT: He must be a pensioner.

Mr. ILSLEY: If he is a pensioner you take him in, but you take him in for something that is not related to what he is pensioned for.

The CHAIRMAN: We are rather getting away from the question of pensions and into the Regulations of the S.C.R.. At the present time we are trying to do something about the machinery for awarding pensions.

Sir EUGÈNE FISET: In order to complete the statement made by General Ross, we have had the statement made by the Board of Pension Commissioners that there exists in the district a certain number of records dealing with applications for pensions and pensioners. I would like to know from Colonel Thompson in order to complete exactly what Dr. Ross has in mind when speaking of those documents, would those records enable the travelling courts, as proposed under this proposition, to deal with a great number of the cases that would be brought before them. I am not talking of new cases, but of old cases with the records that the district already possesses.

Colonel THOMPSON: In my opinion it would not be a fair thing to do. It would not be fair to judge a case by the district office files alone.

Sir EUGÈNE FISET: But with the number of documents they would have in hand, would it not be a simple matter to complete the documentation by corresponding with headquarters here?

The CHAIRMAN: By his own evidence before the court.

Sir EUGÈNE FISET: Outside of that.

Colonel THOMPSON: You would never catch up with the correspondence that comes in, the odd file might be complete, but very few would be.

Sir EUGÈNE FISET: When you are dealing with these files, Colonel Thompson, when the precis is prepared, that is done by one of your own staff when the case comes from a certain district, and there is a duplicate of the precis prepared by your own staff, and sent out to the district.

Colonel THOMPSON: Yes.

Sir EUGENE Fiset: Therefore, it would be there for the Board to deal with when the matter came before it; if you had before you the precis of the documents it would be there for the Board to deal with the matter.

Colonel THOMPSON: The criticism that has been levelled against the Board in that connection is that it is dealing with a precis instead of all the man's original documents.

Sir EUGENE Fiset: For the good reason that you do not see the applicant.

Colonel THOMPSON: Still they could not come to a conclusion under your proposed arrangement unless they see the original documents.

The CHAIRMAN: Instead of the certificate they would have the medical man there as a witness.

Colonel THOMPSON: But he has not the original medical documents or the overseas documents.

Sir EUGENE Fiset: Over and above that, he could require from the Pension Board a precis with a copy of the original documents on file. It seems to me that it would be a simple matter to complete the district file by giving a copy of the original documents on file from the precis that has been prepared. If you went that far towards the preparation of those documents, it seems to me it would simplify the work of those courts.

The CHAIRMAN: If you had a doubtful case, that was not cut and dried, you would say "this case is doubtful; it will have to be passed on by the courts." Could you not get sufficient important documents from the file to hand over to the western court, in order that it might give the pensioner a run for his money when he was pleading his case before this court.

Colonel THOMPSON: In a great many cases, yes.

The CHAIRMAN: What kind of a case would it be that you could not give a complete copy of his file so that he could come before his own court with it, and have it implemented by the evidence of his own witnesses?

Colonel THOMPSON: For instance, it is a question of the genuineness of a letter. Now the court would not adjudicate or accept that evidence unless it saw the original letter. That applies to the original prescription; the original prescription should be sent.

The CHAIRMAN: In all likelihood, would it not be the fact that if a man came from Vancouver, it would be much easier for him to bring the druggist with the original prescription?

Colonel THOMPSON: The prescription is generally sent in.

Mr. THORSON: One of your suggestions was that one of the difficulties of the present system was the lack of the presence of the man.

Colonel THOMPSON: Yes.

Mr. THORSON: Have you any suggestion to make, as to how that very desirable objective could be attained, that is, bringing the man in close contact with the Board? How would you accomplish that objective?

Colonel THOMPSON: My own suggestion would be that the Board—I do not mean the Pension Board, but your trial board—would travel from Ottawa with an ample precis, if necessary including copies of the most important documents, but the more particular the evidence would be the complete precis. They could hear the man or his counsel and a certain case could be clearly admitted, probably some case could be clearly rejected, and in the large majority of cases, judgment would have to be reserved. The travelling board or travelling court, when it returned to Ottawa, would draw the man's original documents, his original file, and after perusing all documents and letters, would give their decision on the case.

Mr. THORSON: Your idea is that this pension court, or this board, should radiate out from Ottawa.

Colonel THOMSON: Yes. When I say radiate out from Ottawa, it is not because it is Ottawa, but because it is a necessity.

The CHAIRMAN: The files are here.

Colonel THOMPSON: Not the Board's file, but the departmental files. The Board has no files.

Mr. THORSON: You think there would be objection to a court that was stationary in Winnipeg, or stationary in Vancouver, or a court stationary in Halifax; you think that court could not do full justice to the case?

Colonel THOMPSON: Yes, I do.

Mr. THORSON: In view of the fact that there would be difficulties about having access to the necessary documents on file?

Colonel THOMPSON: Yes.

The CHAIRMAN: Now, Colonel Thompson, having damned my scheme, what do you say about that of the other fellow? What do you say about the division of the Pension Board into four separate and independent boards; tell us about that.

Colonel THOMPSON: Perhaps I might be excused from offering a suggestion as to how the Pension Board should be divided; just for the present anyway, until I have had a chance to think it over. With regard to these courts, which Mr. Thorson suggests should radiate from Ottawa, suppose they were composed of two men in each instance, or three men in each instance, I do not think those courts, as they radiate, should always be composed of the same two or three men. They should be changed around and I do not think that the same men should go to the same district.

The CHAIRMAN: We all agree with that.

Colonel THOMPSON: I think that the importance is entirely a matter that there should be even-handed justice to all, and that can only be done by having consistent decisions. If you have these courts isolated in the districts, and divided in these different places, you will not have consistency in decisions.

Hon. Mr. MANION: You ought to get the same result as the courts of law, which give decisions all over Canada. You should get at least the same uniformity as in the ordinary courts of the country which deal with the same laws, and these courts are scattered from the Atlantic to the Pacific.

Mr. ARTHURS: You have different decisions in different provinces?

Colonel THOMPSON: The courts interpret the laws of the province and every decided case is reported.

Senator GRIESBACH: Publicly.

Colonel THOMPSON: Reported publicly in the law reports.

Sir EUGENE Fiset: Do you not think it would be advisable for the Appeal Board to give an idea of their procedure?

The CHAIRMAN: I would like Colonel Thompson to tell me about General Ross's four pension boards. Do not be shy about General Ross, he will not hurt you.

Mr. Ross (Kingston): It may be that Colonel Thompson has not had the same time and perhaps to-morrow he might be able to give us more information about it. I quite agree with the statement made by some of us as to the suggested changing around of the boards to get uniformity of decision on that.

The CHAIRMAN: We agree on that, no matter whether it is the board or the court.

Mr. Ross (*Kingston*): The only difference I would make is that when he sends out the three men and they go out to see the cases their decision shall not be referred back here to Ottawa.

The CHAIRMAN: Do I understand your suggestion, General Ross, to be that there were to be four distinct and separate coequal bodies in Canada, each with its own organization?

Mr. Ross (*Kingston*): Yes.

The CHAIRMAN: That is what I wanted to hear about from Colonel Thompson. They start and finish there,—that is your understanding of it?

Mr. Ross (*Kingston*): And at any time, I would quite agree to the submission that Colonel Thompson could take John Jones from the Maritimes and send him and interchange him with a Commissioner from British Columbia, and that the Commissioner from British Columbia should come down here. That would keep the decisions uniform. When decisions are given they are after seeing the man.

Mr. THORSON: Your idea would be that the head of the system would have the power to change Commissioners from district to district?

Mr. Ross (*Kingston*): It is a pension board going out and functioning, just as they have been sending out an appeal board which would go down from Ottawa and deal with cases in the Maritimes.

The CHAIRMAN: What I find objectionable in your proposed system is the idea of four distinct and separate boards. I believe there should be centralization somewhere, and I would like to hear Colonel Thompson's suggestions on that.

Mr. Ross (*Kingston*): Perhaps Colonel Thompson would be prepared tomorrow to speak on that, as it is pretty hard to throw it at him to-day in this way.

Colonel THOMPSON: When I suggested, as to the doubtful cases, that they would be brought back by the radiating boards to Ottawa for decision, I had not in mind that those cases were to be submitted to the Pension Board; but what I had in mind was that each court, when it returned to Ottawa, would give its decisions after the court had had an opportunity of examining the original files and documents here.

Mr. THORSON: Your idea being, in regard to the cases granted originally, that they are done with. With regard to the other cases, they will be remitted to the members of the Board of Pension Commissioners who will travel to the locality where the man resides, see the man, hear the oral evidence, and reserve their judgment until they come back to Ottawa?

Mr. MCPHERSON: The judgment may not be reserved.

Mr. THORSON: Either decide or reserve their decision until they come back to Ottawa to study the documents together with the evidence which they have received?

Colonel THOMPSON: There will be the type of case such as would be clearly admitted in Ottawa by the board sitting here,—the Pension Board or whatever you call it,—and that is disposed of. Then there will be the type of case in which the travelling board, after seeing the man, would come to the conclusion that he ought to receive a pension, and that would be disposed of. There would be the type of case in which they could say on the spot, "You have no claim," and that would be disposed of. Then there would be a residuum which required further consideration and the examining of the original files at Ottawa, and judgment would be reserved in those cases. Then when the board, or each board, returned to Ottawa it would take up its reserved cases and examine the original file in each case, and, after coming to a conclusion, would give judgment which would be given effect.

Hon. Mr. MANION: Would it not be easier to ship the file to Vancouver than to have the board come back to the file?

Colonel THOMPSON: They would be coming back, any way. If the board is going to be a board permanently stationed in any one of these districts, it would be idle for them to come on to Ottawa at all.

Hon. Mr. MANION: Would it be so difficult in the residuum which you speak of, to ship them the files dealing with that residuary class?

Colonel THOMPSON: It is physically easy to ship the file away, but you would be running into the difficulties of which I have spoken.

Mr. THORSON: Would it be possible to have travelling commissioners and send them across the continent in waves, for instance, so that there is a constant succession of commissioners hearing cases; and when the first lot had heard cases in Winnipeg for two weeks, say, and then at Regina, and then at Calgary and Vancouver, the second lot would be on its way westward, so that there would be pension commissioners coming back to Ottawa as well as going out from Ottawa.

Colonel THOMPSON: I cannot see that that would serve much purpose, because they would hear cases as they were proceeding to Victoria, and then they would hear additional cases which had been prepared, on their way back.

Mr. ADSHEAD: Would this board which had been appointed by you or someone else, consult the original board as to why they decided a particular case in a certain way originally?

Mr. THORSON: They would do as they liked in that regard.

Colonel THOMPSON: I think they should do so.

The CHAIRMAN: They must now under the Pension Act as it now stands,—the provision of this present Act would not apply, of course,—place the information on the file. That is under section 3, which provides that the form on the file shall contain certain information, such as the names of the Commissioners dealing with the case, the grounds on which pension is awarded or refused, specifying:

(i) The medical classification of the injury or disease causing the disability or death in respect of which the application has been made;

(ii) The medical classification of such injuries or diseases as have been dealt with by the Commission in connection with the application;

(iii) Whether the injury or disease resulting in disability or death was or was not attributable to or incurred during military service or whether it pre-existed enlistment and was or was not aggravated during military service.

and then (c). (Reading):

(c) In the event of the Commission not being unanimous, the grounds on which a Commissioner disagrees with the decision reached.

Those things are on the file now, anyway, whether the man's application was granted or not.

Colonel THOMPSON: I can see Mr. Adshead's point. The information which the Chairman has referred to is on the file, but it is not helpful, as a matter of fact, or not very helpful, if a decision is adverse. On the other hand, if one of the radiating courts were to come to the board and say, "Where is the weakness in this case?" Not that it is post-discharge or whatever it may be, but where is the weak link in the chain?

Mr. THORSON: The hiatus in the evidence?

Colonel THOMPSON: Quite so. That would be helpful.

Mr. ADSHEAD: The case having been before the Pensions Board and then going to this other body, perhaps would be prejudiced.

Colonel THOMPSON: The Legion present a number of cases, and they present them well, although they do not always agree with our decisions; but they come over and review the evidence; they sit down and say, "We think this pension ought to be granted" for this or that reason; and they refer to the correspondence and so on; they argue the case.

Mr. ADSHEAD: With you?

Colonel THOMPSON: Yes, they are arguing a case.

Mr. ADSHEAD: Before or after an adverse decision?

Colonel THOMPSON: After, generally. That is when we see the Legion—it is nearly always afterwards.

Hon. Mr. MANION: There is nothing for them to come to see you about if the decision is in their favour.

Colonel THOMPSON: As a matter of fact, they only come in to see us when a man writes them that the decision has been adverse; so that it is always a case for reconsideration; and sitting down with them, we tell them that this evidence or that letter is weak, or that this evidence is of very little value for this, that or the other reason. And then they go and strengthen their case, if they can; and a large number of cases they get admitted.

The CHAIRMAN: I want to get away from this in camera canvassing of the Commissioners.

Colonel THOMPSON: I do not think anyone has appeared more frequently before the Board than Mr. Barrow and Mr. Bowler, and I think they will agree with what I say.

Mr. Ross (*Kingston*): This secret thing is what has caused dissatisfaction, and we want to get into the open.

Mr. THORSON: If we can retain the advantages where a friend has an opportunity of appearing before the Board with his case well prepared, why should we not combine the two advantages in one system, if we can?

The CHAIRMAN: I should like to get away so far as possible from any canvassing of the Board. I have the idea of courts and judges, and so on, who are not canvassed by the pleaders.

Mr. MCPHERSON: We have probably a hundred thousand disappointed prospective pensioners, and we have not more than a thousand of them using the machinery at the present time provided to be used in trying to get relief. They have no connection with the men who actually know how to conduct an appeal.

Mr. Ross (*Kingston*): Would you accept the suggestion that we stop right here at this point until to-morrow, and think over this thing in the meantime?

Mr. ILSLEY: I think one of the ideas underlying the Chairman's scheme was that the soldiers' advisers or the soldiers' counsel preparing the case in the locality would have access to all the original documents, which by the scheme would be in the locality itself, such as Halifax, or St. John. Now under your proposal, Colonel Thompson, or under the scheme we are talking about, of radiating boards, your scheme involves leaving the files in Ottawa. Would those preparing the case be at a disadvantage in preparing the case if they do not see the original letters or documents?

Colonel THOMPSON: They are the people who sent them in.

Mr. THORSON: In regard to these cases that are rejected and that it is suggested should be referred to this travelling board, how would counsel who is appearing for the man be given the advantage of looking at the file and study-

ing out the file so that he could adequately present the case of the applicant to the Board, when it holds its sittings in the locality in which the counsel lives?

Mr. ILSLEY: That is my question, and that is what I want Colonel Thompson to consider and answer.

Mr. THORSON: If you are going to have adequate preparation of the case, must not counsel who is to prepare the case have complete access to all the original documents? Have you any suggestions along that line?

Colonel THOMPSON: All I can suggest is in reference to the material documents, and a question may arise as to what is a material document. Material documents should be copied and sent to the district.

Mr. THORSON: He would have to rely on copies of the documents?

Colonel THOMPSON: Yes.

Hon. Mr. MANION: If that is to be carried out, the same thing would have to apply to boards or courts.

Colonel THOMPSON: Then you have your medical documents. At present there is a precis out in the district; and sometimes those precis are not absolutely accurate. You would be amazed at the number of original documents which the Board draws and examines.

Mr. THORSON: Perhaps you would give some thought to that particular suggestion and that particular difficulty, Colonel Thompson.

Mr. ILSLEY: The matter appears to me in this way: in law practice lawyers are very careful usually to look at the original documents and not to rely upon copies, because often something turns up, when they look at original documents, which is not apparent otherwise. If the original documents were all in the locality, and if competent soldiers' counsel or advisers would look at them all before they prepare their case; but if he is supplied only with copies, I would suggest that he is at a disadvantage.

Colonel THOMPSON: I do not think that is quite so serious as it might appear to be. A number of people come from outside, on behalf of soldiers, qualified people, and argue cases before the Board and do so successfully. The important thing is that the person presenting the case should bring out the strong points of the evidence, and in the evidence which is already on file. The cases in which these people are successful and come down and argue before the Board, they are successful not on producing additional evidence but on presenting to the Board in a full and ample manner the full bearings of the various incidents on service or incidents in the evidence.

Mr. McPHERSON: That brings us back to the fact that men on active service in many instances have not anything on their sheets as to their disabilities on service. And then we come back to the question of the reason for that. Colonel Thompson has always dealt carefully and fairly, but he said himself, I believe, that they make their decisions upon the evidence as presented to them by the files of the man himself. That means that the man who never got any further than England, if disabled there, is able to get a pension.

Colonel THOMPSON: Not from the man's overseas file and documents or from the medical documents, but from all the file here.

Mr. McPHERSON: I have known many cases where the evidence of local practitioners have been entirely disregarded, and not only disregarded but said to have been of no value in the particular case.

Colonel THOMPSON: That is quite so.

Mr. McPHERSON: And that is the kind of thing that we want to get away from.

Mr. MACLAREN: I was thinking and wondering if we could not direct our attention to a way to get away from the difficulties. I think the difficulties are quite real. I see the advantages of the diversified courts. I think if we consider how we might meet these difficulties and overcome them, our deliberations will be more profitable.

The CHAIRMAN: That is what we are trying to do. We must know what they are.

Colonel THOMPSON: I am very strongly in favour of the court which is to decide in the first place seeing the man and hearing his counsel after his case has been well prepared. That is my private opinion.

Mr. MCPHERSON: And would you add to that, "and hearing the evidence"?

Colonel THOMPSON: I have pointed out with regard to cases which have been refused,—there are large numbers of them—even where the Board has not seen the man, the decision has been reversed by the soldier's friend, and I call him the soldier's friend in order to distinguish him necessarily from the Legion—

The CHAIRMAN: He might even be a member of parliament?

Colonel THOMPSON: Yes, coming in and bringing out the strong points of the man's evidence and case.

Mr. THORSON: That might be particularly true, further, if on rehearing new evidence of weight were adduced.

Colonel THOMPSON: Yes, and also this is of importance, the question of the man himself appearing before the Board. One can often tell as to whether the man is really as described.

The CHAIRMAN: To-morrow morning we will ask the members of the Board of Pension Commissioners to be here, and also all the Federal Appeal Board, and also, I think, the soldiers' advisor; as we have had a knock at him for two or three days, we should hear him.

The Committee adjourned until Wednesday morning, April 9, 1930, at 11 o'clock.





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SESSION 1930

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9—WEDNESDAY, APRIL 9, 1930

EVIDENCE—Col. Thompson, Chairman of Board of Pensions.

Dr. J. A. Amyot, Major F. S. Burke and Major A. M. Wright, Department of Pensions and National Health.

Col. LaFlèche, Dominion president, Canadian Legion, B.E.S.L.

APPENDIX No. 6—Chart showing total number of men eligible for allowances at ages of 60, 65, and 70 years.

APPENDIX No. 7—Chart showing the estimated cost at the age of 60 years for periods extending from 1930 to 1964.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

MINUTES OF PROCEEDINGS

COMMITTEE ROOM 368,
WEDNESDAY, April 9, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Arthurs, Black (Yukon), Gershaw, Ilsley, McGibbon, MacLaren, McPherson, McLean (Melfort), Manion, Power, Ross (Kingston), Speakman, and Thorson—14.

Honourable Senators present: Messrs. Béland, Buchanan, Lewis, White (Pembroke), and others.

In attendance: The Deputy Minister, the Secretary, Major Wright and Dr. Burke of the Department of Pensions and National Health; the Chairman, Commissioners, and Chief Medical Advisor of the Board of Pensions; the Chairman, and Secretary of the Federal Appeal Board; the Dominion President, the General Secretary, and Officers of the Executive of the Canadian Legion; Mr. E. E. Spencer, Counsel; Captain E. Brown-Wilkinson of the Army and Navy Veterans in Canada; Mr. R. Myers of the Amputations Association, and several others.

The Committee proceeded to further consider certain points arising from the consideration given, at previous meetings, to the Chairman's Memorandum on Pension legislation; and also, to the proposals submitted by Mr. Ross (Kingston City), on Tuesday, 9th of April. The Committee agreed to submit both these proposals, together with Col. Thompson's observations thereto relating, to Col. Biggar to put them into some legal shape.

Col. Thompson was recalled, and stated his views, as set out in a prepared memorandum comprising eleven paragraphs, in respect to a Board's duties and requirements sitting at Ottawa, and also in respect to Travelling Boards, their personnel and duties. *See Minutes of Evidence.*

The Committee then proceeded to consider Bill 19, An Act respecting War Veterans' Allowances.

Dr. J. A. Amyot, Major F. S. Burke and Major A. M. Wright were called for evidence.

In the course of the evidence given, Messrs. Wright and Burke submitted Charts showing (1) Total number of men eligible for allowances at ages of 60, 65, and 70 years; (b) The estimated cost at the age of 60 years for periods extending from 1930 to 1964. *See Appendix No. 6, and No. 7.*

In the consideration given to Section 3 of the Bill, the Chairman read a letter received from the Honourable J. H. King, Minister, suggesting that an honorary member, a veteran of recognized military standing, shall be added to such Committee. Said honorary member to be appointed by the Governor in Council. The Chairman also stated he had received a telegram from the Minister relating to this subject.

The Committee adjourned until 4 o'clock p.m.

AFTERNOON SITTING

WEDNESDAY, April 9, 1930.

The Committee met at 4 o'clock p.m., the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Arthurs, Black (Yukon), Fiset (Sir Eugène), Gershaw, Ilsley, McGibbon, MacLaren, McPherson, McLean (Melfort), Power, Ross (Kingston), Speakman, and Thorson—14.

Honourable Senators present: Messrs. Béland, Buchanan, Griesbach, and others.

In attendance: The Deputy Minister, the Secretary, Major Wright and Dr. Burke of the Department of Pensions and National Health; the Chairman, Commissioners, and Chief Medical Advisor of the Board of Pensions; the Chairman, and Secretary of the Federal Appeal Board; the Dominion President, the General Secretary, and other Officers of the Executive of the Canadian Legion; Col. O. M. Biggar and Mr. E. E. Spencer, Counsels; Captain E. Brown-Wilkinson of the Army and Navy Veterans; Mr. R. Myers of the Amputations Association, and several others.

Col. LaFlèche was called in respect to recommendation No. 27 of the Canadian Legion and associated organizations,—That provision be made for "Broken-down" or "Burnt-out" ex-service men wholly or in part non-pensionable and their dependants.

The Committee then resumed the further consideration of Bill 19, An Act respecting War Veterans' Allowances. Amendments were suggested, subject to further consideration, regarding several sections as noted.

Col. LaFlèche gave expression to the desirability of having a Section added in Bill 19 so that pension shall not be interfered with in those cases where a pensioner might be eligible for an allowance under the provisions of said Bill.

The Committee at 6 o'clock adjourned to meet again to-morrow at 11 a.m.

MINUTES OF EVIDENCE

COMMITTEE ROOM 368,

HOUSE OF COMMONS,

WEDNESDAY, April 9, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Chairman, Mr. C. G. Power, presiding.

The CHAIRMAN: Yesterday there was some suggestion that we ask the Federal Appeal Board to come here before us, but I have been particularly anxious—and some other members of the committee—have been anxious—to hear something on this Veterans' Allowance bill. I have mentioned it to several members of the committee, and it looks as if we could not get through very much before the Easter recess in the way of these plans of General Ross and my own. If the committee is agreeable, I think we ought to hear the officers of the department who prepared this Veterans' Allowance bill so that we may understand what it is all about.

I would make this further suggestion, that General Ross reduce to writing the outlines of his proposal, and that during the recess we would send this proposal of his and my own to the law officers of the crown and to Colonel Biggar, and ask them to work both of them alternately, or together, into something that looks like workable legislation.

Hon. Mr. MANION: Strangely enough, I was thinking along the same line. I have got to go to New York this afternoon, and I do not know how many more meetings of the committee you are going to have this week, and I was going to suggest that such a scheme as you have outlined, Mr. Chairman, be adopted. Personally, I agree with it entirely. Suppose General Ross' scheme is put in writing by him—

The CHAIRMAN: Just the outlines of it.

Hon. Mr. MANION: Simply the outlines and your scheme the same, and then after the holidays when we begin to meet again the returned soldiers' organization, or the Legion, might study the matter, and then appear before us and give us their slant on it because, after all, it is the desire of all of us to make every suggestion we can to satisfy them. The Legion might have someone here to speak on their behalf when the committee meets after the holidays.

The CHAIRMAN: We will have those two bills before us, and they would be in a position to criticize the various features of them.

Hon. Mr. MANION: I have no doubt they will do that.

Mr. Ross (Kingston): Quite a bit of this memorandum of yours, Mr. Chairman, has been changed.

The CHAIRMAN: As a matter of fact, I am quite willing to drop the whole thing and adopt General Ross' attitude.

Mr. Ross (Kingston): I would not want that.

The CHAIRMAN: I would do that in order to obtain unanimity in the committee. So far as I am concerned, my suggestion can be dropped entirely.

Mr. Ross (Kingston): No, no.

The CHAIRMAN: I believe it is a fairly good one. Let us get unanimity, no matter whose suggestion it is.

Hon. Mr. MANION: Does that appeal to you, Mr. Chairman. I think the Legion would be in a position to study this scheme. Let them pick out the best parts of both of them, and before we go into private session deal with them.

Mr. ADSHEAD: Was not Colonel Thompson asked to make a report this morning?

The CHAIRMAN: Let us get this procedure part settled first this morning.

Mr. ROSS (Kingston): I thought it would be quite in order to see where we could, perhaps, improve, but it was not my intention to wipe out all of your suggestions, Mr. Chairman.

The CHAIRMAN: No, but the feature which differentiates yours from mine is that you propose to have four separate, distinct, independent pension boards and, personally, I am prepared to accept that, with some reluctance, for the sake of unanimity.

Mr. ROSS (Kingston): I would not want to do that.

Mr. McPHERSON: Let us adopt Dr. Manion's suggestion, and then we can discuss them both in detail.

Mr. ARTHURS: We might have someone point out the essential differences, and then we would not need to deal with those where they were both alike.

Hon. Mr. MANION: At one of the earlier meetings after the holidays.

Mr. BLACK (Yukon): I suggest that the matter be referred to the minister of the department.

The CHAIRMAN: The minister has handed all this business over to the committee, and I am sure of this, that no matter what suggestion we adopt—be it General Ross' suggestion, the Legion's suggestion, or any other suggestion—if it is adopted unanimously, the Government will accept it. We have practically *carte blanche*, so why refer it back to the Government? That is the position I take.

Mr. MCGIBBON: I agree with the chairman. We have to do this job, so let us finish it.

Mr. BLACK (Yukon): I would not say let us abrogate our authority to the minister, but surely to be considerate he is not effacing himself altogether, and if you are getting opinions from the Legion and the various returned soldier bodies, as to what they think of this legislation, why not refer it to the minister if he is the man who has the say whether it goes through the House or not?

The CHAIRMAN: I have it on sufficiently good authority that whatever comes out as the unanimous report of this committee will be adopted by the Government, so why worry about the department?

Mr. MCGIBBON: I would refuse to sit on this committee if it were not so.

Hon. Mr. MANION: Might I ask Colonel LaFlèche, as the head of the Legion, if they would be ready to appear after the holidays and give their opinion as a Legion, on those different schemes which may be put forward to the committee.

Colonel LAFLECHE: Answering Dr. Manion, I would say not only representing the Legion but representing all the associations, that I would be prepared to speak on very short notice this week, or after the recess, whenever it might suit the committee.

The CHAIRMAN: Might I suggest, then, that General Ross prepare in writing an outline of what he suggests? I will go into conference with Colonel Biggar, and with Colonel Thompson, if he will be so kind as to assist us, and then take this thing over to the Department of Justice. I will have to consult the Minister of Justice, and it may be that they will send it to the law officers

of the House, but I think probably it would be better if it went to the Justice Department, and during the recess I expect to be here on two or three different occasions, and I am willing to give any assistance I can to work this thing into at least two alternative proposals in the shape of draft bills. I understand Colonel Thompson has a proposal too, and we might work that into one.

Mr. MACLAREN: Will the committee be supplied with copies of those proposals before the adjournment?

The CHAIRMAN: We could not very well work them into legislative proposals before the adjournment.

Mr. MACLAREN: For instance, General Ross' draft and your own draft, so that we would have an opportunity of studying them.

The CHAIRMAN: They will be printed, either as an appendix to the proceedings of one of our sittings, or at least they will be printed in the body of the minutes.

Hon. Mr. MANION: Is it worth while having the Justice Department put these bills into shape, because I take it for granted that when the Legion has gone through them, as well as Colonel Thompson's suggestions they are not going to be very much like any of the schemes, as at present constituted. I think they should be left just as they are.

Mr. MCGIBBON: I presume the chairman's idea is to keep them within the confines of the law.

The CHAIRMAN: As far as the proposals standing in my name are concerned, they may be an altogether different looking baby when they appear in the shape of a bill. That is why I suggest that.

Hon. Mr. MANION: I was wondering if it would not be a wasted effort, because it will probably be a combination of them all before we are through.

The CHAIRMAN: I will ask Colonel Biggar to put them into some legal shape. I understand you have a suggestion, Colonel Thompson.

Colonel THOMPSON: I prepared this overnight, as requested by the chairman. This is merely the outline, but the essential details are here.

1. A Board sitting at Ottawa to give a decision on cases in which entitlement clearly should be admitted, this Board to be provided as at present with the necessary medical staff and also the medical and clerical staff in each of the centres as presently constituted in order that there may be a direct line of communication between the applicant for pension and the Pension Board. This is essential and reference is made in the Scott report to this effect.

2. Where there is no evidence or quite evidently insufficient evidence on which the Travelling Board could make a finding the Board's Medical Advisers to automatically refer the evidence, such as it is, to the appropriate soldier's friend and so advise the applicant, the soldier's friend to also notify the applicant that he will prepare the case for the applicant free of charge. This will relieve the Board at Ottawa of a large amount of work which occupies a considerable portion of its time without advantage to the applicants for pension.

3. There to be three Travelling Boards all members of the Board at Ottawa, consisting of three members each—two members to be a quorum. This will allow for casualties and will permit one member of each Travelling Board to remain in Ottawa after each tour to review and prepare the cases which had been heard on the previous tour where judgment had been reserved.

4. Continuous travelling is onerous work and the arrangement suggested in paragraph 3 will give relief in this respect to the members of the Travelling Boards. It will also give the member of each Board remaining in Ottawa an opportunity of preparing for judgment such cases as had been reserved. The

advantage of this arrangement is that the Boards will not be kept at Ottawa considering their cases but will be enabled to travel continuously and thus avoid delay in hearing appeals.

5. There will be the further advantage that the members of the various Boards remaining at Ottawa will be able to confer at Ottawa regarding the cases and types of cases heard and thus keep the decisions uniform.

6. The personnel of the Travelling Boards to be changed from time to time so that such Boards will be differently constituted, but not necessarily after each tour.

7. A full precis of the file and, if necessary, a copy of the key documents if any, to accompany the precis to be furnished the members of the Travelling Boards.

8. It will further enable the members of the Board remaining at Ottawa to take their tour of duty in respect of the work done at Ottawa, as set out in paragraph 1.

9. The decision of the Travelling Board, if favourable to the applicant, to be given effect to forthwith.

10. If the decision is unfavourable the applicant to have the right of appealing to a Board of three members of such Travelling Boards—no member of the Travelling Board who heard the case to be a member of such Appeal Board.

11. It is suggested as an alternative to the above Appellant Board that a separate Court be constituted at Ottawa composed of either two judges and a doctor, or three judges with two Medical Advisers to advise the Appeal Court on medical matters.

Hon. Mr. MANION: This proposal is an alternative to the other two.

The CHAIRMAN: Yes.

Hon. Mr. MANION: So there are three proposals now.

The CHAIRMAN: Yes, we will not suffer from lack of proposals.

We will now consider the Veterans' Allowance Bill, and we have here Dr. Amyot, Major Burke and Major Wright.

JOHN ANDREW AMYOT, called.

F. S. BURKE, called.

A. M. WRIGHT, called.

The CHAIRMAN: Gentlemen, Colonel Amyot, as you all know, is Deputy Minister of the Department of Pensions and National Health, and he is here to explain Bill Number 19. Colonel Amyot, will you explain this bill?

Mr. ADSHEAD: It needs explanation, does it?

COLONEL AMYOT: Mr. Chairman and gentlemen, I am speaking for Doctor King, the Minister of the Department, in his absence, and as Deputy Minister of the Department of Pensions and National Health.

There are certain individuals at the present time, under the present Pension Act, who come to the Department for assistance and help. These men are what have been called burned-out men; men of low pension, and men who are no longer employable. If they went up for pension examination, the things from which they are suffering are of an intangible character; they are simply unable to work, and that before their time. In Great Britain they have the old age pension which has been followed more or less here in Canada. They give pension under the Old Age Pension Act, at seventy years of age, but there are many in Canada who think that it should be applied here at the age of sixty-five, rather than seventy. In this country men wear out earlier than they do in Great Britain. Those of you who have been in Great Britain have noticed the difference in the working, or at least in the effort that men put into their work in Great Britain, compared

to what is required of them in Canada. Perhaps we fuss too much here, but in Great Britain work is carried on more leisurely and more easily than is done here, and in consequence men wear out earlier in Canada. It is something similar to what we see in using machinery. I might take as an example, the locomotive that is geared up to drag a train along at fifty miles an hour, ordinary time, and some day the train is late and has to go sixty miles an hour to make up its time. When the end of that trip is reached the coal box is empty and the engine blowing off in all directions, while the engineer and fireman are worn out. It is that extra ten miles that has caused it. Here men are driven much more in labour than they are in the Old Country, and it is thought on that account that they burn out quicker.

We take the soldier who was overseas, and who was in the war front, he went under a driving that is greater than probably most of us can conceive or realize—mental stress, and physical stress—and the mental stress was a considerable one. Those of us who were there know that even following along the trench line, when things were comparatively quiet, you might have a reddening on the side from which the bullets came. We felt it and it was a pressure that others do not undergo. It was a wonder to us how the men in the front line stood what they did, so that this is advanced as a reason why consideration should be given to those men along this particular line. We have been up against those men, trying to relieve them by taking them into hospital, and in various other directions. We know that they have the greatest difficulty in finding employment. Two or three years ago the Minister conceived the idea of putting these men under, not the Pension Act, but under a special allowance act of the nature of Old Age Pensions. A good deal of study has been given to it from that time, by the Department, and very intensive study during the last six months, and out of that has developed this Bill 19. In the preamble of the bill, these ideas are included:—

“Whereas there are a great number of veterans in Canada who are not in receipt of pensions under the provisions of the Pension Act”—

Because this was to include besides pensioners those who were not pensioners.

“Under the provisions of the Pension Act, or who, if in receipt of pension, are pensionable only for the degree of disability resulting from an injury or disease, or aggravation thereof, attributable to, or incurred during military service, as established and assessed under the provisions of that Act.”

That is the Pension Act.

“And it is found that many pensioners and non-pensioners are, in fact, unemployable by reason of intangible results of their war service, apart from any consideration of pensionable disability; and it is desirable to provide assistance, or additional assistance, for these veterans in recognition of their service.”

Now if you were to say why should these men not be pensioned—

The CHAIRMAN: I am distributing sheets showing the types of cases that would come under this bill.

Colonel AMYOT: Yes, under this bill.

The CHAIRMAN: These have been prepared by—?

Colonel AMYOT: By the Department: these men come up for pension in a general way. They are the type of men that the public generally believe were injured by their military service. They say “I knew this young man before he went to war; he has come back now and he is a wreck. He is not able to work like he worked before, he does not view things as he viewed them before, he is discontented, and he is no longer the young man that went away.”

If you pass him to the Pensions Board they would find that perhaps he has some rheumatism, that he has some neuritis, or he may have some gastric trouble, or he may have some cough; it is difficult to connect that with his service. If he is pensioned it is only a negligible amount that would be given to him. It is something that you have to take in as a tout ensemble, and all these things joined together are more or less intangible, you cannot say rejected—or you cannot put a percentage on the arising of that in service, and this act is submitted with the idea of relieving the individual.

The CHAIRMAN: Sheets showing type cases have been distributed. Does any member of the Committee wish to ask any question arising out of the sheets? While we are discussing the preamble, I think it is well that the Committee should understand just what persons this legislation is proposed to cover.

Mr. McGIBBON: A lot of these cases, it seems to me, Mr. Chairman, should be on the pension list.

The CHAIRMAN: They look it. Some of them are on the pension list, but to a small degree.

Mr. MACLAREN: It is pension plus something else.

Mr. THORSON: Yes, these sheets show pension plus something else.

Dr. AMYOT: A great many of these, as you will see from that list.

The CHAIRMAN: These are only cases which have been referred by the S.C.R. to the Department, pension cases with a small pension, whose situation will be materially improved by this legislation.

Mr. THORSON: And the pensionable disabilities are underlined in red on these sheets, and the other disabilities are not pensionable disabilities but are either post-war or pre-enlistment disabilities.

Dr. AMYOT: And the things that they complain severely in regard to.

Hon. Mr. MANION: They would get \$40 instead of \$15.

The CHAIRMAN: The amount payable under the economical allowances is the amount that they could get under this bill, in the fifth column of the figures.

Hon. Mr. MANION: Perhaps you would explain the columns?

The CHAIRMAN: Major Wright might explain them.

Major WRIGHT: As I have omitted all names on this sheet—I have a key, but there is no necessity to have the names inserted—the second column indicates the man's age; the third, whether he served in France or England, because under bill 19, it was proposed to include those who served in the theatre of actual war.

Hon. Mr. MANION: Some of them are here marked "Canada."

Major WRIGHT: Yes, but bill 19 would apply to pensioners who served in Canada or England also. In red is indicated the disability for which the man is receiving the pension; and the other conditions are those which have been ruled as non-pensionable. The total disability is shown in the next column.

Hon. Mr. MANION: Due to all conditions?

Major WRIGHT: Yes. The next column shows the total disability as shown by the B.P.C. It is possible that some of the cases have not been examined for four or five years. The next column shows the pensionable disability, that is the actual amount for which the Board is awarding pension. The next column is the actual amount being paid by way of pension. The next column is put in to indicate what would happen if the man was pensionable to the extent which the Board of Pension Commissioners rule as to his disability. The next is what he would get under bill 19—not absolutely accurately. Then the difference in the next column is the additional amount it would cost—a plus figure—for instance, if the man were placed under 100 per cent pension; it

would mean \$55 a month more. The penultimate column is the amount the man has received in relief assistance from the department at the date I made up these forms—relief. The next column contains a few little comments I put in myself.

Hon. Mr. MANION: I do not quite follow the column headed "difference."

Mr. THORSON: No, nor do I understand that.

Major WRIGHT: If you will take case No. 2 on the original list, the man is 35 years of age, served in France, and has a wife only. His pensionable disability is G.S.W. of the foot, for which disability he is rated at 5 per cent, and as he has a wife he receives \$5 a month. Where a man has a wife only, it is \$1 for every per cent. On top of that he has osteo-arthritis of the spine, and syphilis resulting in locomotor-ataxia, all of which are not pensionable. If he were rated according to his disability, he would be 100 per cent, or \$100 a month. Under this new bill, he can get \$40 a month; and if he were wholly pensionable he would get more than that again.

The CHAIRMAN: In other words, he would get \$45 a month.

Major WRIGHT: Five dollars pension and \$40 under the economic allowances.

Mr. MCGIBBON: That man served in the trenches?

Major WRIGHT: Yes.

Mr. MANION: And he has osteo-arthritis of the spine, and you think he is entitled to only 5 per cent. Any reasonable man, I think, would say he was entitled to a greater extent, anyway.

The CHAIRMAN: We have to take things as we find them.

Major WRIGHT: There is no doubt about that man being unemployable.

Mr. MCGIBBON: You have cited a case which is almost the same as that which Sir Arthur Currie cited and on which he condemned this work before the Committee.

Mr. THORSON: Excepting that this man has syphilis also.

Hon. Mr. MANION: He had syphilis once, but not necessarily now. He has locomotor-ataxia.

The CHAIRMAN: He has only \$5 pension, and this bill proposes to give him \$40 also.

Mr. MCGIBBON: That is the type of case which is not being given justice to-day; he should receive this from the Pensions Board, and he should be entitled by law. It should be dealt with under the Pensions Act, instead of under a special act.

The CHAIRMAN: Does the Committee understand the type of case? There are other cases not pensionable now.

Major WRIGHT: I may say, Mr. Chairman, that there are approximately 56,000 pensioners now. Under this scheme there will be, roughly, about 280,000 men who served in the actual theatre of war or are in receipt of pensions for disabilities incurred in Canada or England; so that the number of pensioners comprises only about one-fifth of the total number who might eventually benefit under this bill.

Mr. MCPHERSON: Will you repeat that?

Major WRIGHT: It is estimated that the number of men who are alive now, who would come under the benefits of this bill at some time or other, is approximately five times the number of present pensioners, or about 280,000 men who may eventually come in under this Act.

Mr. McGIBBON: There were under 400,000 men who got to France, and do you say that there are 280,000 in addition to that you have now receiving pension?

Major WRIGHT: Two hundred thousand including the pensioners.

Dr. AMYOT: That is those who went into the war?

Mr. McGIBBON: In the 280,000 you will have two-thirds of your army.

Hon. Mr. MANION: It is two-thirds of the number who went to France.

The CHAIRMAN: It is the possible number of unemployable men of sixty years of age.

Hon. Mr. MANION: There will be a lot of us unemployed by that time.

The CHAIRMAN: There will be some of us unemployed after the next election.

Mr. THORSON: This does not mean that all these men are going to benefit under this Act?

Major WRIGHT: No, but I suggest it as a potential number who may be entitled to come in under the provisions of Bill No. 19.

Major WRIGHT: There are that number of men alive now who have seen service in the theatre of war.

Mr. McGIBBON: It is not fair to give that out to the public; it is not fair to the soldiers.

Mr. McPHERSON: I believe the witness intends to show that that would be the possible number.

Major WRIGHT: May I explain how I made that up? I got certain figures from the Department of Militia and Defence. The total under their figures of enlisted was 619,636—enlisted in the C.E.F. Of that number, according to the Department of National Defence, 424,589 left Canada. Will you pardon me, the total enlisted number who served in France and Belgium was 346,531; the total serving in the Near East was 1,785; and in North Russia, 588; making a total of 348,904 who served in a theatre of actual war. Then of that number, according to the Department of National Defence, there were 55,428 who died while they were still in the forces. And I have estimated that there were 29,376 who died since the declaration of peace, approximately 10 per cent.

Mr. McGIBBON: You are making that a little worse.

The CHAIRMAN: Let us get the rest of the figures before we discuss them.

Major WRIGHT: That leaves 264,100.

The CHAIRMAN: That is 264,100 alive to-day?

Major WRIGHT: Two hundred and sixty-four thousand, but to that has to be added the number of men who did not leave Canada but who are pensioned, which will increase that number by 2,314.

Mr. McGIBBON: They would not come under this bill, if they did not leave Canada.

Major WRIGHT: If they are pensioned, yes. We would have to include also 5,006 who are pensioned for disabilities incurred in England; they also would come under this bill in its present form, making a total of 271,420. On top of that it is estimated that there are 2,340 final payment cases, who received final payment for service in Canada or England, but who also would come under this bill; bringing up the total to 273,760. And on top of that we estimate that there are 6,900 pre-war resident Imperials, who also would come in under this; so that the total I get is 280,665.

Mr. McGIBBON: You are putting in everybody except the dead under that?

Major WRIGHT: Yes. I will come to the figures afterwards; first, I want to explain the facts. These lists only indicate the cases which were referred to

us by the Department as problem cases which they have at the present time. I may indicate, on top of that, that there are five times as many survivors who at some time may be eligible.

Mr. Ross (Kingston): Have you included in that those who served with the British army who were not pre-war residents of Canada?

Major WRIGHT: No, sir.

Mr. Ross (Kingston): Would they come under this bill?

Major WRIGHT: No, sir.

Hon. Mr. MANION: Have you any estimate of the number now to whom this Act would be applicable in all probability?

Major WRIGHT: We have some statistics which later on I thought I might give you in detail.

The CHAIRMAN: The total number is how many thousands?

Major WRIGHT: 280,665.

The CHAIRMAN: Who may at some time or other require consideration. That is a broad statement, but is it too broad?

Mr. McGIBBON: I would not have it go out to the country that the soldiers are asking legislation which will put 280,000 of them on the payroll.

The CHAIRMAN: They are not asking that.

Mr. McPHERSON: According to the terms of this bill, each one individually is a possible chance?

Mr. McGIBBON: No, I do not think so. That is grossly unfair.

Mr. McPHERSON: You cannot say that any one of them is impossible.

The CHAIRMAN: We are all in that list.

Mr. McGIBBON: The purport of this bill is that it applies to worn-out soldiers.

Mr. McPHERSON: Out of that 280,000, there will be perhaps 25 or 40 per cent which will never come up.

Mr. THORSON: Yes, it is not fair to say that every one of those 280,000 is a potential beneficiary.

The CHAIRMAN: Any one of this 280,000 may at some time or other fulfil the requirements which would bring him under the bill.

Mr. THORSON: That is possible but highly improbable.

Mr. McGIBBON: Is it possible? Is it probable? The basis of this is that they are going to be worn out through war service which might be attributable but not provable. I think it is grossly unfair to the whole soldier body to put a statement like that out to the country. The country will think the soldier bodies are holding them up.

The CHAIRMAN: Let us go on, anyway.

Dr. AMYOT: The 280,000 are those to whom consideration will be given when they comply with the requirements in order to be given this allowance. That is all it means. It is like when you are talking about how much old age pension you are going to give. How many people are there who are going to be eligible for that? You know that only a small percentage will come under the requirements. Only a certain number of them will be without funds. There is only a certain number of them who will be sick and not able to look after themselves.

Hon. Mr. MANION: Do you not think that in association with that 280,000 you had better also give what he has on which to base an estimate of that?

Dr. AMYOT: Yes.

Mr. MCGIBBON: To be comparable, you would have to take the whole population of the country.

Mr. THORSON: Yes, I do not think it is fair to let the 280,000 go out as being the potential number entitled to come under this bill.

Mr. ROSS (Kingston): This bill will include Canadians who served with the British forces?

Dr. AMYOT: It includes the pre-war residents, the air force—

Mr. BLACK (Yukon): You might say that the whole population would come in under this bill.

Major WRIGHT: Before speaking of the figures, may I pass these charts around?

The CHAIRMAN: Yes.

Hon. Dr. BÉLAND: Out of the number mentioned, 280,000, only those that would be needy would come under the operation of the bill.

The CHAIRMAN: Needy and unemployable.

Hon. Dr. BÉLAND: But needy specially, so that a proportion of them would be out of employment and in need and would come under the operation of the bill, but there is no possibility that 280,000 would come in under it.

The CHAIRMAN: We will get the estimated figures from this witness.

Major BURKE: Major Wright has explained to you the total number upon which the figures are based. Those are only the basic figures. When we started to study the problem, the thing that intrigued us was that it is really the problem of the unemployable and aged veterans, which is really only commencing; and we are rather surprised at the distance away the peak is, and the steady rise between now and the time when the peak will be reached.

We have to-day certain numbers of men applying for aid; and you will, of course, realize that when demobilization took place there were a great number of men who passed out of our ken and about whom now we know nothing; but there is a group of which we know a great deal, and they are the pensioners. In casting up the figures, we found that the pensioners were one-fifth of the total estimated men alive. As I say, we know a good deal about the pensioners, their age, where they live, and whether they are in necessitous circumstances or not—I feel they are all the low pensioners.

We got out a graph, which you can probably see from where you are sitting, showing the number of men alive in each age group to-day. This highest point of the graph shows the men who are 38 years of age to-day; and there are somewhere in the neighbourhood of 15,000 of them. The other ages drop down to as high as 80 years of age—we have a few 80 years of age C.E.F. men; and from that it works on up to the present time. That is the number of men who would become eligible to-day if the age of eligibility were set at 65 (indicating). At this point (indicating) it is ten years hence; and they would all be 65 years of age 30 years hence.

Mr. MCGIBBON: I would like to get those figures attached to the 280,000 as soon as possible. What are the figures for to-day?

Major BURKE: First we took the number of men under each age group and applied the expectancy of life table of the insurance companies to those figures, and worked them down.

Mr. ROSS (Kingston): When did you take the age?

Major BURKE: The age of to-day. We want to know how many men will be alive, in dealing with the number of men estimated to be alive to-day in Canada.

The CHAIRMAN: You took the pensioners as a cross-section of them?

Major BURKE: Yes, because we know a great deal of them. There are other men of whom we know nothing, but we took the pensioners to represent a cross-section. On the chart in front of you, we have estimated the number of men alive at 60 years of age and over in any year between now and 1984. The top line is 60 years of age and over. Along the bottom of the chart you will find the years; and up the left-hand margin you will find the number of men.

Hon. Mr. MANION: And at the present time it shows about 16,000 men of 60 years of age and over?

Major BURKE: Yes, that is correct, and you can follow that along for any year and see the number of men who will be 60 years of age and over at any time. You will notice that in 1957 comes the peak.

Mr. McGIBBON: In that time you expect to have 110,000.

Major BURKE: That is the astonishing thing, to know that we will have that many men who are becoming generally and probably unemployable. First of all, we made this very intricate table of the expectancy of life of these men. We took those figures to Mr. Finlayson, the Superintendent of Insurance, and he checked them over very carefully, and said they were correct. Following that, without knowing the number of men that would come under the scheme, how many would be unemployable or in necessitous circumstances, we went to the Department of Labour and they put their figures at our disposal, giving us the benefit of the research that they made into the old age problem before preparing the Dominion Old Age Pensions Act, and from that we found out a few things. We found out that in New Zealand the age for eligibility is 65 for men and 60 for women, and in New Zealand about 40 per cent of those arriving at that age were found to be in necessitous circumstances. We next had the figures for Australia, and the eligibility there for men is 65, and again we found that about 40 per cent of those arriving at 65 years of age required some assistance from the state.

Hon. Mr. MANION: You say that in 1957 there would be 112,000 men—

Major BURKE: It is all shown on that chart, Dr. Manion.

Hon. Mr. MANION: And of that number you say 40 per cent would require assistance of this kind?

Major BURKE: Yes. Let us now come to British Columbia.

Hon. Mr. MANION: Just let us get that clear.

Major BURKE: I would like to answer your question.

The CHAIRMAN: He is going to give us British Columbia now.

Major BURKE: We got the figures for British Columbia. The age of eligibility in British Columbia is 70 years; and again we found that about 40 per cent of the population of British Columbia, arriving at 70 years of age become eligible, by reason of their financial condition, for the old age pension.

Hon. Mr. MANION: I would like to straighten this up. Taking your own figures, at the highest peak, the greatest number that would likely get pension would be 44,000.

Major BURKE: Yes.

Hon. Mr. MANION: So that there is a jumping down there.

Mr. McGIBBON: Forty per cent of 110,000.

Major BURKE: Major Wright gave you a figure of 289,000. You can apply the death rates to that between the end of the war, and between now and 1957. If you apply the death rate to that figure, you will get about 110,000 men who will be 60 years of age and over in the year 1957.

The CHAIRMAN: Who live.

Major BURKE: Who are alive, yes.

Hon. Mr. MANION: And 40 per cent of them will likely be eligible for pension.

Major BURKE: If we apply the percentages of New Zealand, Australia and our own British Columbia, we would find about 40 per cent coming under the scheme.

Mr. THORSON: Less those who will be in receipt of full pension.

Major BURKE: Of course.

Mr. THORSON: Or large pensions.

The CHAIRMAN: Less those who will be in receipt of pension which will make them not necessitous cases.

Mr. McPHERSON: Is that correct, Mr. Chairman?

Major BURKE: We simply make the deduction of 40 per cent of all those arriving at a given age. We thought that you might be interested in the cost, but we did not want to say very much about it. However, we made a graph on those figures, on the chart that you have in front of you, allowing \$40 to married men, who are 75 per cent of our forces, and \$20 to single men who are 25 per cent. That is, three-quarters of the men are married.

The CHAIRMAN: That is, you are taking 40 per cent of this total of 110,000.

Major BURKE: Yes.

The CHAIRMAN: And then giving 75 per cent of them \$40, and 25 per cent of them, \$20. Now, what does it cost?

Major BURKE: We made a graph on those figures. We contemplated two ages, 65 years of age and over; and 60 years of age and over; and this graph will show the amounts. Now, it comes to a fairly reasonably high peak in 1957, as shown by the graph in front of you, but it is a short duration peak, and the rate of decline of the price is very rapid.

Hon. Mr. MANION: What is the amount at the peak?

Major BURKE: Eighteen million dollars. Eleven million dollars is the amount, if we take 40 per cent of those at 60 years of age. If we take 65, it is about thirteen million dollars, but in between we think the proper path will be somewhere between those two figures, and I have shown a red line on this chart to try to bring out the point about the normal path we think it would travel providing the age be set at 60 years, that is, we have taken a lesser figure, 25 per cent for the men between 60 and 65 years and over, and 40 per cent of those over 65 years, and we have got this intermediate red line.

Hon. Mr. MANION: Which starts at what?

Major BURKE: If we take 60 years of age, and over, at 40 per cent, it starts at slightly under \$2,000,000 per annum. If we take it at 65 years of age and over, at 40 per cent it starts at slightly under \$1,000,000. The intermediate course is somewhere about \$1,500,000.

Mr. McGIBBON: If you apply this to 65, the immediate expenditure would be a little over a million dollars.

Major BURKE: I can give you the exact figures.

The CHAIRMAN: At 60 it will be two million, and at 65 a million and a half.

Mr. McGIBBON: No, he said around a million dollars.

Mr. THORSON: Can we have the benefit of those tables?

Major BURKE: Yes, if the committee so wishes, we could have more of them photostated.

The CHAIRMAN: Let us get the cost first.

Mr. ROSS (Kingston): The point I would like to bring up does affect the cost. It is not at 60 or 65 years of age, but rather it may be 45 and 50 years.

Major BURKE: That is quite true, General Ross, but we found it very difficult to estimate the number of men that would come in under the ages you mention. We are taking the large group that we know will be alive, and a certain percentage may come in according to their financial position.

Mr. ROSS (Kingston): What is the percentage in the case of those men who are to be given intangible damages; would it not be much larger than a group of civilians who have never suffered in that way? Would it not be reasonably 50 per cent or more in the case of men suffering, as I say.

Major BURKE: I think the experience of the department is not quite that. It may be that because a large group of men come under the ages of 30 to 40 at the present time, it is pretty hard to guess what may happen those men when they reach, say, 60 years of age.

Mr. THORSON: It is likely that the percentage will be greater than 40 in the class of people we are dealing with.

Hon. Mr. MANION: The death rate will be higher too.

Major BURKE: I hardly think that. I have the figures here before me. We know that there are a great many soldiers in public employment of various kinds, together with railways and other big corporations, men who are going to come under some kind of superannuation, or something along that line, when they arrive at a certain age. For example, the total appointments to the civil service up to September 30, 1929, was 75,000, that is, between September 1, 1916, and September 30, 1929.

Hon. Mr. MANION: Of course, that includes all temporary appointments.

Major BURKE: The percentage of appointments given to returned soldiers during that time was 52 per cent, so that we have every reason to believe that there are quite a few returned soldiers in civic employment, and they will come under schemes, so that that may, to some extent, decrease the number.

Hon. Mr. MANION: And the death rate will probably be higher.

Major BURKE: The death rate has not been found to be higher than the civilian death rate, because we took that up with the insurance department and they told us that the death rate was but slightly different from the civilian death rate. That point was emphasized by Mr. Finlayson when he went over the figures from which we made this chart.

Mr. MCGIBBON: Have you taken into consideration the ex-soldier who would probably be 60 years of age at 45?

Major BURKE: We found it very difficult to estimate the number.

Mr. MCGIBBON: Your figures will be defective to that extent.

Major BURKE: Yes, they will be somewhat defective. We know, for example, that about 15 per cent of our men are in the United States to-day. A certain number of them will have a fairly substantial pension and they are included in this too.

Hon. Mr. MANION: You mentioned 75,000 appointments of various kinds to the civil service, and then you said, I think, that 52 per cent of them were soldiers.

Major BURKE: 52 per cent, yes.

Hon. Mr. MANION: But that includes temporary employment of various kinds?

Major BURKE: We do not know whether they are still in employment or not.

Hon. Mr. MANION: That is the point.

Major BURKE: But that many appointments have been made.

Hon. Mr. MANION: Of all kinds, both temporary and permanent.

Major BURKE: Yes.

The CHAIRMAN: Do you take that to be the same average ratio all the way through.

Major BURKE: The disability preference in the civil service were over three thousand.

Hon. Mr. MANION: You see, the whole civil service consists of only about eighty odd thousand, and this would come to about thirty-five thousand; certainly half of the civil service is not comprised of returned men.

Major WRIGHT: We endeavoured to find out from the various departments the percentage of returned men employed. It is about 93 per cent in our department.

Hon. Mr. MANION: Which is the Department of Pensions and National Health.

Major WRIGHT: You would expect, of course, that there would be a high percentage in that department. We do not know what percentage the other departments have.

Hon. Mr. MANION: You have not got any of them.

Major WRIGHT: No, the only point is that there are a certain number who will come under our superannuation benefits.

Major BURKE: As to the cost, as we have worked it out from the table in front of you, 60 years of age and over, in the year 1930 the cost would be—

Hon. Senator BELAND: Have you any basis upon which to figure out how many returned men have secured appointments to the civil service in the provinces?

Major BURKE: No, we have not got the provinces.

Hon. Senator BELAND: Is it likely that a fairly large number of returned men have secured employment and are eligible for superannuation?

Major BURKE: I can speak for the municipality of the city of Toronto. They have a fairly substantial percentage; I cannot give the percentage, but certainly a great many returned men are employed by the city of Toronto, and I think all cities would be the same.

Hon. Senator BELAND: Would they be eligible for superannuation?

Major BURKE: They will likely come under whatever superannuation scheme is employed by the city or the province.

Hon. Senator BELAND: But there is such a scheme in every province?

Major BURKE: I take it so, yes.

The CHAIRMAN: And, therefore, they would not come under this scheme.

Major BURKE: So that we believe, therefore, that 40 per cent would be the outside figure that would come under this scheme, taking into consideration the preference that has been given to returned men.

Mr. THORSON: You think 40 per cent would be the outside figure?

Major BURKE: We believe so.

Hon. Mr. MANION: And eighteen million dollars probably is the outside figure at the peak, for a very short time?

Major BURKE: Probably so, doctor.

Hon. Mr. MANION: I suppose you did not estimate, in any way, the great prosperity of this country in another twenty or twenty-five years?

Major BURKE: We thought of that, sir, we hope that the population will be doubled.

Mr. THORSON: You have been quoting figures at 60. What will the figures be at 65?

Major BURKE: We can give you the figures at 65, but we were hoping you would deal with 60. The figures at 65, for 1930, for the first year, will be \$632,000. For 1930, \$756,000. Then jumping ahead four years, and then giving it in five-year periods, for 1934 the figure would be \$1,300,000. In 1939 it would be \$3,100,000. In 1944 the figure would be \$5,255,000, and in 1959, \$7,600,000 approximately.

Mr. THORSON: And that would be the peak?

Major BURKE: But under that scheme the immediate amount is not that high.

Mr. McGIBBON: It is the immediate problem we are dealing with.

Mr. SPEAKMAN: That is not taking into account the class who are at the present time under 60, or 65, but who are broken down.

Major BURKE: Yes, sir.

Mr. SPEAKMAN: In addition to that you have to consider those who have not reached that age but are broken down.

Major BURKE: One of the immediate problems is the construction of soldiers' homes. The department is faced with that problem, and it is a rapidly increasing problem, and one that will likely reach its peak in 1957, if the age of 60 should be set.

Mr. THORSON: And will reach its peak in 1959 if the age is set at 65?

Major BURKE: Quite so.

Mr. McLEAN (Melfort): Have you any figures from the Bureau of Statistics, or elsewhere, showing first the expectancy of old age civilian pension, and then the actual incidence of old age pension payments in any of the provinces? I know the immediate payment exceeded the opinions in some of the provinces.

Major BURKE: We went to the Labour Department and we asked them about the future in old age pensions, and they said they would not, under any circumstances, attempt to estimate the future. They said they took the census of 1921, and applied a definite percentage to that and that that was their estimate.

Mr. McLEAN (Melfort): Did they tell you how those payments compared with their estimate?

Major BURKE: No, we did not get that information.

Mr. McGIBBON: I am speaking from memory, but when the Prime Minister was speaking a couple of weeks ago, I am sure he mentioned the figure of \$3,000,000. That might only have been the Dominion government's contribution. I would not like to say that.

Hon. Mr. MANION: There was another point in regard to the death rate. I have been thinking over what you have said. You said that you got opinions from insurance companies, who were very good at that sort of thing.

Major BURKE: From Mr. Finlayson, the Superintendent of Insurance.

Hon. Mr. MANION: In regard to the death rate. In my opinion they cannot estimate the death rate at the present time. I am giving this, with some knowledge of insurance and medicine, for the reason that the vast proportion

of the men who served in a theatre of war, I mean actually in a theatre of war, the majority of them are men who are probably around 40 or 45 years of age.

The CHAIRMAN: What is the average now?

Major WRIGHT: The average age for pension, about 42.6 years.

Hon. Mr. MANION: That is what I say; the average about 45, and neither Mr. Finlayson nor any other representative of the insurance companies, can form a very strong opinion as to the age at death of that large proportion of the soldiers who went through the trenches, in my opinion, and I have given it much thought. The age at death of these soldiers will be much lower twenty years from now than the age at death of the ordinary civilians, because of the strain of the trenches and the trials they went through.

Major BURKE: Mr. Finlayson expressed somewhat the same opinion; the only figures we have to go on are those of our soldiers' insurance at the present time. Mr. Finlayson took that into consideration and said that while the death rate was not much in excess of the average of the death rate, he was of the opinion, as you have stated, that twenty years from now, or more, the death rate would probably be more rapid than that in the civilian population.

The CHAIRMAN: Very depressing indeed.

Hon. Mr. MANION: They die off at a younger age.

Major BURKE: Yes.

Hon. Mr. MANION: Which would at least cut down a certain amount of this cost. We do not want the cost to be at such a figure that either one house or the other would throw out the bill.

Major BURKE: Dr. Manion, I was hoping that you would not let that short duration influence you, because the average cost throughout is not so very high.

Mr. McGIBBON: The immediate cost is practically nothing—a million dollars.

Major BURKE: It is not in excess.

The CHAIRMAN: Two million dollars.

Mr. McGIBBON: One million dollars.

Major BURKE: At sixty-five.

The CHAIRMAN: Two million at sixty; we will make it sixty.

Mr. THORSON: How many do you say would be likely to benefit immediately from this scheme?

Major BURKE: How many? The margin on your little chart in numbers and forty per cent of that.

Mr. THORSON: 12,000 is the figure, and 40 per cent of that.

Major BURKE: I can give it to you in actual figures.

Mr. McGIBBON: Only about 4,000 on this chart at sixty-five years of age.

Major BURKE: At sixty years and over, the total figure shown there of men arriving at sixty, is 12,700; 3,800 married, 1,200 single.

Mr. McGIBBON: Why do you stick at sixty, when the bill says sixty-five?

The CHAIRMAN: We will amend the bill right now to sixty. Let us talk as if it were sixty. Is it unanimously agreed to have it amended to sixty now?

Mr. SPEAKMAN: I agree.

Mr. THORSON: At sixty-five, how many?

Major BURKE: At sixty-five there would be 824 married and 276 single.

Mr. McPHERSON: If we have amended the bill, why not forget sixty-five so that we will not get mixed up in the figures?

The CHAIRMAN: How about the others?

Major WRIGHT: As an offsetting figure, that is to say, when you come to calculate a number of men who may be under sixty, and yet unemployable, you have to go on the fact that so far as we know, taking the pension figures, there are 15 per cent, roughly, not living in Canada.

Hon. Mr. MANION: Which means we would not have to look after those.

Major WRIGHT: Yes, and as Dr. Burke has pointed out, there are quite an appreciable number of men who will be taken care of by superannuation benefits from the federal government, the provincial governments, the railway companies and large corporations, who are gradually entering that scheme. On top of that, there will be a certain number who are in receipt of pension, which will exclude them from the bill.

Mr. THORSON: That has all been taken into consideration in arriving at your 40 per cent.

Major BURKE: Taking the experience of New Zealand, Australia, British Columbia and other places, we think the 40 per cent would cover, in addition to the actual age, those who would be unemployable under that age.

Mr. MCGIBBON: That would reduce your 40 per cent, then.

The CHAIRMAN: There is no possible way of estimating the number of those under sixty years of age, who will be eligible under this bill.

Major WRIGHT: It is pretty hard to get that.

Major BURKE: We have a definite knowledge as to the men who come under the various departments who are pensioners. We sent out to the different districts and got that number. We know how many men are considered by the various district officers as unemployable.

The CHAIRMAN: Do you know anything about the pensioners?

Major BURKE: They are decidedly unemployable. There are others practically unemployable, but not quoted so by the district officers.

The CHAIRMAN: Now, we have just the class of people this bill is intended to cover.

Mr. MACLAREN: Would you tell us if, at age seventy, or if the civilian old age pension is reduced to sixty-five, this class of pensioner will be carried as a Dominion liability all the way through, or revert to the ordinary old age pension?

Major BURKE: We figure that these men should be under the Dominion Government throughout their span of life, under this bill. It is well to note on those charts that we have cast a line for those of the expeditionary forces who will be seventy years. It is 50 per cent. You can see the number that are already there and the number there will be in the future; fifty per cent of that the government is already liable for. The third curve on the graph is seventy and over.

The CHAIRMAN: We still have half an hour, could we not run rapidly through the bill to cover any points that should be elucidated.

Mr. THORSON: Will these tables be printed?

Major BURKE: May I ask which tables you would like printed?

The CHAIRMAN: Not the large sheets, the tables you referred to.

Major BURKE: But the tables of the costs.

Mr. THORSON: These graphs.

Major BURKE: Those are for your use.

Hon. Mr. MANION: There is a very interesting thing Dr. Burke pointed out to me, if I understand it right. I refer to the small printed area in this graph; I will read it:—

“This area comprises the number of men of the C.E.F. eligible for consideration in the matter of veterans' allowance who, ordinarily, would be eligible for consideration under the Old Age Pension legislation, as presently enacted by most provinces, and to which the Federal Government is committed to the extent of 50 per cent of pensions so awarded.”

Well, that covers that whole area here.

Mr. THORSON: It covers men seventy years and over, yes.

Hon. Mr. MANION: Exactly, and it shows you would cut out a large proportion of the expense.

The CHAIRMAN: It would cut out half of it.

Hon. Mr. MANION: But we are liable for it anyhow as an old age pension. It would cut out the extra expense due to this legislation.

Major BURKE: Yes, you are quite right, Dr. Manion.

Mr. THORSON: So that added expense is not as great as if we take the top line figure.

Hon. Mr. MANION: Which is a big section. That is a very important point.

Major BURKE: We had that in mind, Dr. Manion, when we set the figure of 40 per cent. We had that in mind when taking care of the extra cost of those burned-out or unemployable at the age of sixty.

Mr. MCGIBBON: Are these lines based on the civilian death rate?

Major BURKE: They are based on the Stone & Cox mortality tables, and Mr. Finlayson told us that would be as good a table as we could select.

Mr. MCGIBBON: I do not think it would be a fair application to put that on the soldiers. This is a higher rate than it should be.

Major BURKE: We have some years behind us in the experience of the death rate amongst soldiers from the Soldiers' Insurance.

Mr. MCGIBBON: But as the years go on, the rate will increase more rapidly.

Major BURKE: We have no way of figuring that.

Mr. MCGIBBON: I think that your table is defective and misleading. Take the number, for example, of diseased soldiers, at the present time the ratio is very high. Take the cripples, those people are going out very early in life, to say nothing about the effects upon the health of the man who, to-day, is apparently in good health.

Major BURKE: I think, in support of that it was thought, when soldiers' insurance was introduced, that there would be a very rapid death rate, but that has not been the experience with soldiers' insurance.

Hon. Mr. MANION: Soldier insurance can only deal with the man who did not actually serve in the trenches.

The CHAIRMAN: Oh, no.

Hon. Mr. MANION: Perhaps I am wrong.

Major BURKE: We went to the best authority we knew.

Mr. MCGIBBON: It applies to everybody.

Hon. Mr. MANION: But the death rate would be in larger proportion as the men become older.

The CHAIRMAN: Soldier insurance would be among the sicker men, sub-standard risks.

Major BURKE: I think Mr. Finlayson took these figures into consideration.

Mr. McGIBBON: But you don't get my point—their expectancy of life must be short.

Major BURKE: I think I said a few minutes ago that Mr. Finlayson said that probably in twenty years' time it would be a faster or greater death rate.

Mr. McGIBBON: Naturally.

The CHAIRMAN: Are there any other features to go into at the present time? First of all, I think the Department is quite prepared, in regard to Clause 5, to delete sixty-five years of age, and substitute sixty years of age. I mean, we can take it for granted that that is amended—sixty years instead of sixty-five.

There is something else about the appointment of the soldiers' representative in another clause. Dr. King wrote me a letter just before he left Ottawa. The letter reads:—

Re: Bill No. 19—An Act Respecting War Veterans' Allowances.

DEAR SIR,—General Sir Arthur Currie, in his address to the members of the Parliamentary Committee, suggested the desirability of appointing an additional member to the Committee in an honorary capacity.

You will recall that Sir Arthur Currie intimated that while satisfied there are in the Department many men who are wise, sympathetic and experienced, by putting on the Committee one or more independent persons, including at least one experienced member of the Legion, "the honourable the Minister and his successors would be saved a great deal of embarrassment."

I may say that I am quite agreeable to giving effect under the Bill to Sir Arthur Currie's suggestion and I am prepared to go further to the extent of recommending enabling authority in the Bill whereby the Governor in Council may in addition, appoint in an honorary capacity an independent individual to co-operate with the local officials of the Department in reviewing applications received in the District Offices of the Department.

In view of the above, I would suggest that Clause 3 of Bill 19 might be amended by inserting a new section between Sections 1 and 2, to read as hereunder:

There shall be added to such Committee at Head office an honorary member who shall be appointed by the Governor in Council. Such honorary member shall be a veteran of recognized military standing.

The Governor in Council may similarly appoint, in cities where the Department maintains offices, a veteran of recognized military standing to assist in an honorary capacity the local officials or the Department in reviewing applications for allowances—

Yours very truly,

J. H. KING.

C. G. POWER, Esq., M.P.,

Chairman Special Committee on Pensions and Returned Soldiers' Problems,
Ottawa.

I have a telegram that came from Dr. King to make it clear the appointment of a man acceptable to the veterans, but I do not gather from Dr. King that he would be prepared to put that in the legislation. I think it would be most unwise to put legislation in a government bill, or any bill, that any person outside of the government or outside of parliament, or outside of the Civil Service Commission, should have the right of appointment. However, we can come to that when discussing that phase of the bill.

Hon. Mr. MANION: Do you not think that the final decision on this bill should be left over until after the holidays; for this reason, we are all probably going home and we are going to have a couple of weeks' time, and will be thinking things over. Do you not think we should leave it a little bit indefinite until we get back? We can close it up quickly when we get back. As I remember, the Legion have given no opinion on this bill, to the committee.

The CHAIRMAN: Yes, Sir Arthur Currie approved it.

Hon. Mr. MANION: That was not for the Legion; he was speaking in a general way.

The CHAIRMAN: How about going through it with the understanding that we will not report the bill to the House? Let us get through that work before the recess, and we will not make any report to the House until we come back.

Mr. ARTHURS: It will be understood that we can go back to any clause we like?

The CHAIRMAN: Yes. Let us get through that much of the routine work before we adjourn. We can take it up, clause by clause, this afternoon.

Mr. ARTHURS: I have a slight objection to make with regard to sub-clause C, of Clause 5. I think that is absolutely unfair, if a man who is a Canadian citizen, has for any reason, left Canada—

The CHAIRMAN: What was the reason that was put in the bill?

Major WRIGHT: The reason that was put in the bill, under the Old Age Pension Act, it was five years, and that was considered unfair; it was made three years.

The CHAIRMAN: Would you put a limit of some kind on it?

Mr. ARTHURS: Not so long as they were Canadian citizens. If a man becomes a citizen of the United States or took up his permanent residence there, then it would be different.

The CHAIRMAN: Say a Canadian citizen, living in Detroit, if he does not think enough of this country to live in it, we should not worry about him; is that it?

Mr. MCGIBBON: You should not cut him off altogether. It may be all right if he never comes back; then we are not responsible for him. If he does come back, we should not deprive him of his rights.

Mr. BLACK (Yukon): Nobody is coming back for the few dollars he would get under this. We should have some time limit; make it months or a year. You would not have a fellow just drifting back from the States to get the pension.

Major BURKE: I might say the Department of Justice, to whom the bill was submitted, recommended that some safeguard should be put in.

Mr. MCGIBBON: I think, as Colonel Arthurs says, you should fix some period for him to establish his domicile, but you should not cut out his rights.

Hon. Mr. MANION: I would suggest a year.

The CHAIRMAN: I would say a year or six months.

Mr. ARTHURS: I think it can be overcome if the man establishes his actual residence in Canada.

The CHAIRMAN: We will ask the officers of the department to see what they can do along those lines.

Mr. BLACK (Yukon): As long as he has residence in Canada.

Mr. MACLAREN: What constitutes a resident of Canada?

The CHAIRMAN: That is a very, very difficult question; the question of residence and domicile are very difficult to decide.

Mr. THORSON: If you provide that he shall be a resident in Canada, and domiciled in Canada, that would be sufficient safeguard.

The CHAIRMAN: Are there any other points we can get ironed out this afternoon?

Mr. THORSON: What are we going to do this afternoon?

The CHAIRMAN: We are going over the clauses of the bill.

Mr. THORSON: Are we going to hear representatives from the Legion?

The CHAIRMAN: No.

Mr. MCGIBBON: I think we might hear the representatives of the Legion, possibly they may have changed their opinion.

The CHAIRMAN: We will hear the Legion on the bill this afternoon.

Witnesses retired.

The committee adjourned at 12.40 p.m. until 4 p.m.

AFTERNOON SESSION

The committee resumed at four o'clock.

Colonel LAFLECHE recalled.

The WITNESS: Mr. Chairman, in referring to Bill No. 19, I would respectfully ask you to look at the report of the proceedings of the 1928 special committee on Pensions and Returned Soldiers' Problems, particularly referring to page 268.

I may say, sir, that all the associations which I have the honour to represent have, in one way or another, expressed themselves in favour of some scheme to look after the men who, we understand, would come within the scope of Bill No. 19, whether those men were mentioned in previous years as problem cases, permanently unemployable, burnt-out, prematurely aged, or whatever it might have been; it is in our minds that they are the same problem and exactly the same men.

The resolution which I have the honour to submit to your committee, sir, reads as follows:—

Whereas the Parliamentary Committee of 1928 recognized "as one of the most serious situations confronting the country generally" what was referred to as the problem of the "broken down or burned-out man" wholly or in part non-pensionable;

And whereas the Committee made certain recommendations termed "temporary expedients" to provide immediate relief pending collection of information which will be of assistance in framing the policy which it is convinced must eventually be adopted by the Department;

And whereas we deeply appreciate the efforts made by the Department to solve this admitted problem, yet we regret to find that none of the schemes so far devised are sufficiently comprehensive to even partially solve the problem and inquiries made by us lead us to believe that, although the Department has made extensive inquiries, it is not yet prepared to recommend any specific scheme of comprehensive scope and permanent character;

Let me explain here, gentlemen, that this resolution was worded several months ago before it was known that the department was reaching the end of its labours, resulting finally in the production of Bill No. 19.

The CHAIRMAN: Was it passed at a meeting of any association?

The WITNESS: Yes, sir. As I explained before, similar resolutions have been passed in previous years by all of the associations whom I have the honour to represent here to-day.

By Mr. McLean (Melfort):

Q. Was this passed at the Dominion convention of the Legion?—A. This particular one was, and I think it is exactly in line with the intentions and announcements and declarations of the other associations, as set out in previous years.

And whereas we believe that the time has now arrived when some such scheme must be made effective;

Therefore be it resolved that as a means of solving such problem we do make the following specific recommendations to the Government and Parliament of Canada:

- (a) That to men with dependents, there be made a living allowance.
- (b) That for men without dependents, provision be made for their care and maintenance.
- (c) That such benefits be available only to men who by reason of age or disability wholly or in part non-pensionable are now in necessitous circumstances and wholly unemployable in any available labour market.
- (d) That such benefits be restricted to men who have served in an actual theatre of war.
- (e) That all regulations be so framed as to prevent the benefits conferred being utilized in any way to bonus indolence.

May I also refer you, gentlemen, to the remarks of Sir Arthur Currie before your committee on Thursday, March 27, to be found in the proceedings No. 2, page 6? In order not to burden the record, I may say that the associated bodies endorse the words and opinions and suggestions made to you by Sir Arthur Currie. We should like your permission, however, to mention certain matters in connection with several of the paragraphs and clauses of the bill now before you for consideration.

By the Chairman:

Q. Will you say whether, generally speaking, this bill meets with the specific recommendations of the resolution you have read?—A. They do, sir, undoubtedly.

Q. Broadly speaking?—A. Yes, they do, and possibly they go a trifle beyond what we mentioned, and by that I mean the recognition of those pensioners who served in Canada or England.

Q. You did not ask for that.—A. We did not ask for that. I may make one more general remark before I proceed to the specific sections. I believe that this bill will look after a large number, or at least a certain number of cases known as the Veterans' Care Cases, and classed as Class 4 patients in the Department of Pensions and National Health. They are men who are taken into their hospitals if space is available, and cared for, being given bed and board with, I think, three dollars a month spending money, and some credit of, I think, seven dollars to be used if they require clothing.

Mr. THORSON: That is regardless of their age?

The WITNESS: They are men who, I believe, are specifically described in Bill 19. Many of these men come into the cities merely to be hospitalized in this manner.

Mr. THORSON: Would all Class 4 patients be pensioned under this bill?

The WITNESS: I cannot say, because they would have to prove their qualifications under the several admitting clauses of the Act, but generally speaking, I believe them to be representing the class for whom provision will be made under Bill 19. I think if it were possible to clear the hospitals of these men they would be much happier than they are now. I think a man who comes to a hospital and has to be hospitalized as a Class 4 patient, would be much happier even though receiving the smaller amount; he is definitely sure that he will receive twenty dollars a month if single, and forty dollars a month if married. It would permit them to live their lives in the vicinities and localities which they know and where they are known, and they would be happier, and be able to look after themselves better.

Mr. McGIBBON: About how many would there be, Colonel?

Dr. MILLER: About two hundred.

The CHAIRMAN: They are in and out of the hospital all the time.

Dr. MILLER: In the hospital all the time, just under two hundred.

Mr. SPEAKMAN: They might clear the hospitals so that definite cases could get in and receive treatment.

Mr. McGIBBON: What does it cost the hospital to treat them?

Dr. MILLER: I could go into the whole thing after Colonel LaFleche has finished. Approximately \$3 a day.

Mr. McGIBBON: That is \$21 a week or \$84 a month; and you are going to give him twenty dollars in lieu of that.

The CHAIRMAN: We are making money. The Auditor General will be giving us all a certificate before we are through.

The WITNESS: If I may proceed, I would like to refer to page 2 of the bill, clause F, which defines the meaning of the word "veteran."

Mr. THORSON: Section 2 F.

The WITNESS: Yes. In the conference held by the representatives of the several associations, we went over the bill, clause by clause, and where there was any doubt in our minds we made a note and decided we would mention it to you gentlemen. In connection with the term "veteran" I have this note—domicile and resident. Those two words are mentioned and it also provides, in the cases of Imperials and members of the forces of His Majesty's allies laying down as a condition, that they should have been domiciled and resident in Canada on the fourth of August, 1914. The point of the note is to record it so it may be made absolutely synonymous with that expression, and that condition used in the other acts or the Pension Act.

Mr. THORSON: Explain.

The WITNESS: Supposing a man for instance in anticipation of trouble in Europe, had left Canada on the first of August, three days before the date mentioned in the Act; the question was, and it was a very simple one, and does not mean very much; how would that man be regarded, would he be a possible pensioner?

The CHAIRMAN: The whole question of residence and domicile is an important one in every document in which it is mentioned.

Mr. ILSLEY: Section 45 of the Pension Act speaks of men who were domiciled and resident in Canada at the beginning of the war; does not that mean domiciled and resident on the fourth of August, 1914?

The WITNESS: If we declared war on the fourth of August. I was simply asked to mention it.

Mr. McLEAN (Melfort): We do not want to split hairs.

The WITNESS: I do not wish to do so, but we asked ourselves, and could not find an answer as to the meaning of the words. Then attributability to war disability has been omitted in this selfsame section, 2-F.

Mr. THORSON: Where do you suggest it should be inserted?

The WITNESS: It usually follows about a third of the way down, and reads "for an injury or disease incurred or aggravated during service."

The CHAIRMAN: If you were to put in "in receipt of pension under the Pension Act" would that cover it?

Mr. THORSON: This language is inaccurate because nobody gets a pension for injury or disease.

The WITNESS: It is inaccurate and we could not find any reason.

The CHAIRMAN: You wanted to use better English than in the Pension Act.

Mr. MCGIBBON: But because he has injury or disease he gets a pension.

Mr. THORSON: For the disability resulting therefrom, so we ought to use similar language to that used in the Pension Act.

The WITNESS: Another point, Mr. Chairman, which we decided to raise here for your consideration, and whatever action you might desire to take, of course, was as to whether the veteran of previous campaigns and wars of Canada might be included in the provisions of this bill. We ask the question, is there any need for it, and if so, is it desirable to include those men within the scope of this act?

The CHAIRMAN: The veterans of the Northwest Rebellion, the Fenian Raid and the South African war?

The WITNESS: Yes.

Mr. THORSON: We have made provision for them in the Pension Act.

The WITNESS: The R.N.W.M.P. and other forces of Canada.

Mr. ARTHURS: What is your suggestion?

The WITNESS: I know very few cases of those men, and I think, sir, this might be a proper and convenient way to make provision for them. It would entail a change in the interpretation of the word "veteran."

Mr. ARTHURS: I think it would be eminently fair to put in the words "never saw service other than in Canada."

The CHAIRMAN: A man in Canada would draw a pension.

Mr. ARTHURS: They only draw very little.

The WITNESS: There was some conflict in the matter, but as the number of older veterans is very small, perhaps that would not be too great an objection. The very basis of this bill is the acceptance of the modern warfare and the very unusual and great strain upon those participating in it.

Mr. MCGIBBON: You have not confined yourself to that.

The WITNESS: In what, sir?

Mr. MCGIBBON: You have included people in barracks all the time.

The CHAIRMAN: If they are pensioners they are taken in.

The WITNESS: They did suffer during the war, and that is a likely argument in favour of including the older veterans.

Mr. MCGIBBON: I would like to have your arguments. I am not saying I am in favour or against; I would like your argument in favour.

The WITNESS: You would like my argument in favour, for the man who did not see service in the war?

Mr. MCGIBBON: The man who never went out of Canada.

The WITNESS: We did not ask for it.

Mr. MCGIBBON: If they draw pension they are included.

The WITNESS: That is something we did not ask for, and I did not find it necessary to have an argument in favour of it.

Senator GRIESBACH: What about the man in the United States at the time the war broke out?

The CHAIRMAN: If resident, or domiciled in Canada, I suppose they are entitled.

Mr. THORSON: No, a veteran means any former member of the Canadian Expeditionary Force whether domiciled or resident in Canada.

The CHAIRMAN: Will we take a note of that for amendment? Is it the wish of the committee that an amendment of that kind be studied?

Mr. SPEAKMAN: I think it is worth considering, because, in the case of the veteran of the South African and other wars we have made provision for them in other acts.

The CHAIRMAN: That provision be made; all right.

The WITNESS: The next point concerns section 3, that is, War Veterans' Allowance Committee. I may say that the statement made this morning by Dr. Amyot, I believe on the authority of the Minister, is quite acceptable to us. That there may be an honorary member on this board, and I may say that I would expect to secure from him careful observations upon the workings of the Act, and, in fact, have him inform us as to the work, efficiency, and merits of the Act, later on.

The CHAIRMAN: You mean your representative.

The WITNESS: This honorary member whoever he may be, sir.

The CHAIRMAN: The Minister aims to go a little further than that, and seems to be prepared to associate him with the department officers in the different units, and that the honorary member should be a man of recognized standing with the soldiers.

The WITNESS: I include that in my acceptance, sir, but I should have said members instead of member. The next point, the age limit. We were going to request reducing the age limit from sixty-five to sixty, and now all I have to do is to thank you because you did that this morning.

The CHAIRMAN: That is in Section 5.

The WITNESS: Yes, sir.

Mr. THORSON: In the opinion of the witness, is the committee provided for in Section 3, acceptable with the change that was suggested by the chairman this morning?

The WITNESS: Yes, sir, accepting it does imply that we take it as it is. If an honorary member is appointed to each of these boards, the head office board, and the district boards, then we feel we can keep in touch with the workings of the board.

Mr. MCGIBBON: Colonel, what is your idea in determining finality, and at what age should the man receive the benefit of that?

The WITNESS: That is my next point, and I really would not have the point to make except if the question arose as it does now, as a result of your question. I was going to point out, in connection with the wholly unemployable, or any of those who are supposed to be wholly unemployable, that employment is preferable to dole or gift or allowance. If we can find work for these men we hope that that question will receive your consideration at a later time during the sittings of your committee.

Mr. MCGIBBON: You do not get my point. This comes into effect when a man is 60 years of age, or the equivalent thereof.

The WITNESS: Yes, sir.

By Mr. McGibbon:

Q. Supposing he is 60 when he is but 45 or 48, who is to determine that?—A. I can only imagine that the departmental machinery will have to act, that there will have to be medical boards, as exemplified, I would say, by the individual reports contained on the sheets which were passed to you this morning. I saw a man on that who is 32 years of age, and who is considered 100 per cent disabled; he cannot do anything; and although he is only 32 years old, that man. I consider, is eligible to come in under this act.

Q. Who is to determine that—who is to have the finality of it?—A. Oh, it must be this committee that must decide, and they must be held responsible. That is the only machinery provided for, and that should turn the trick; and if it does not, I hope we will know it through the reports of the honorary members.

Q. Do you not see a danger in that?—A. In what way, sir.

Q. I hope it is not necessary to elaborate it here, I have too much respect for the intelligence of the committee and the audience.—A. You mean the court of final appeal, the privy council?

Q. So far as the man's eligibility which is not determinable on his age is concerned?—A. It must be a result of the study of medical reports, employment agencies, and a man's records.

Mr. SPEAKMAN: As I am not a politician and belong to no party, perhaps I might interpret it.

Mr. MCGIBBON: I know what would happen to it before it is uttered.

Mr. SPEAKMAN: Then I would withdraw it and ask Dr. McGibbon to give his own interpretation.

By Mr. McGibbon:

Q. I thought you would have something to say on it.—A. I think I have, sir.

By the Chairman:

Q. Do you think, in the words of this committee, that the committee being a political committee can function properly and give justice to all the soldiers?—A. Well, if it does not, we will report upon it; it can not be otherwise.

By Mr. McGibbon:

Q. I agree with the Chairman that this should be a non-political committee which will determine when a man is eligible. As to the rest of it, I have nothing to say about it. But that is the whole crux of your proposition, a man has to be eligible and he has to get on the list before he can get any money. Of course, so far as that is concerned, there will be lots of cases which will be eligible before they are 60 years of age.—A. I think so, too, sir.

Q. Who is to determine their eligibility?—A. The committee, I think, sir.

Q. I think no political committee should have that power, and it is absolutely a political committee when it is under the control of a minister, no matter what party is in power.

By Mr. Gershaw:

Q. Supposing a man is physically able to do a certain kind of work, but that sort of work is not available, then what chance has he?—A. The qualification is that he be wholly unemployable in any available labour market. That means that if there were a job for him, he would be wholly incapable of doing the work.

By Mr. McGibbon:

Q. Don't you think that is very indefinite, Colonel? For instance, a boy could sit in an elevator and run an elevator up and down, although he could not go out in the street and do any work.—A. I do not envy this committee which will take up this job.

Q. If I were the Minister, I would not want it, for it is a job which would sink any man; but still, in the eyes of justice there is a point to be considered there.—A. I can only say, sir, that we are very glad that the Minister is ready to appoint the honorary members. I do not think we could get any further than that, in that direction. That is the best that we could do.

By Mr. Arthurs:

Q. This morning I raised an objection to clause (c) of section 5, subsection (1) What do you say about that?—A. I agree very much with your thought in that connection, that three years may be a little too much to demand of these possible beneficiaries. If I might suggest something, sir, it would be to fix upon some qualifying term of residence.

Q. Why not take the provision in the description which you were quoting a while ago, "resident and domiciled in Canada," and let the pension continue only during the time while he is so resident and domiciled?—A. If you think that is sufficient, sir, I would have no objection to it.

Q. Would it be satisfactory to you?—A. Oh, quite. We would not like to see these persons flocking back to Canada just for the purpose of coming within the scope of this act, and neither would you like that, I am sure; therefore, I am satisfied you will arrive at some period which will safeguard that.

Q. There might be a case like this, where a man who would otherwise be eligible had friends in the United States, and because he has no friends here and no home in Canada, he would go to his friends in the United States; then perhaps if they died he would ordinarily want to come back to Canada.—A. Possibly so.

Mr. THORSON: That man probably would have retained his Canadian domicile, and when he comes back to Canada he has a residence here.

The CHAIRMAN: And is resident and domiciled in Canada, and to be only continued during such residence and domicile?

Mr. McPHERSON: There is a checking clause down below.

The CHAIRMAN: We will submit this suggestion to the proper authorities, instead of the three years, and ask them what they think of it. Next.

The WITNESS: In connection with the continuing allowance after the death of the beneficiary, I recall to your memory the words of Sir Arthur Currie, who would make it mandatory that twelve months' allowance be continued to the widow, to the dependents of the man dying.

Mr. THORSON: Which section is that, sir?

The CHAIRMAN: Section 9.

The WITNESS: We leave that with you, gentlemen, for your consideration.

By the Chairman:

Q. "And shall direct a gratuity of twelve months"?—A. That is what Sir Arthur Currie suggested, and you can deal with it as best seems fit to you. I do really suggest to you that the situation on that clause might require some further going over in order not to spend money any further. But I would say that too much continuation is too little, generally speaking.

By Mr. McPherson:

Q. If the continuation were to be made, would it not be better to have it made in monthly payments rather than in a lump sum?—A. Yes, of course, you give it to them in order that they may live, and I would pay it month by month to them.

Mr. BLACK (Yukon): On the other side, you give it for two months?

The CHAIRMAN: And the suggestion is that it should be for twelve months, and payable monthly.

Mr. McLEAN (Melfort): I agree with that, sir.

The WITNESS: In our conference we had this situation in mind, that no provision is made for dependents in certain cases, such as when a soldier is under institutional or veterans' care without compensation. Very probably those responsible for the act did not wish to cover those cases. I place the matter on record, and possibly you might question them later on in that respect.

Then under section 10, which refers to the assessment of lands, I suggested that it may be found that this one single way to determine the wealth or the revenue of a possible beneficiary under this act may be a bit too rigid, in that it would not make provision for one case where the assessment is high and the rate is low, or for another case where the rate is high and the assessment is low.

By Mr. Thorson:

Q. What do you do under our Old Age Pensions Act?—A. I think you could better this. Generally speaking, I think that covers our list of notes, with one exception, and that is to say, that in our minds the provisions of the law are not effectual and I think the only way in which it can be done would be to remove from the ranks of available labour those men who are not fit to work but who take a place in the line of the men who seek positions or jobs, and because of their presence there, although they are not able to fill a job if they get it, they discourage prospective employers from taking returned men. I see in the provisions of this bill something very good in that respect. In my mind it would remove from the labour market—and I want to be charitable in my expression here—what I term the lower strata, in so far as capacity for work is concerned.

By Mr. McGibbon:

Q. The inefficient strata?—A. The least efficient strata, leaving them as an extra problem to be tackled but not under this bill, but something which I would very much like to see worked upon and something done about, that is the employment of the handicapped men. It is awfully hard to talk about employment intelligently, if one wishes to bring forth new ideas as to how to tackle the employment problem. I know that is a very difficult problem. We cannot very well create jobs, and our only hope lies in being able to get more of these men into existing jobs.

I am departing from bill 19, but if I may leave this on the record: I think possibly the government could be persuaded to settle upon this, that further jobs in certain kinds of work should be performed only by returned soldiers, largely of this second lower strata, somewhat efficient but not fully efficient men.

Q. What jobs have you in mind, Colonel?—A. At the present moment elevator jobs are set aside for these disabled men.

Q. But they are all filled.—A. Yes, but that is one class of work which is set aside. Then could one set aside all messenger jobs, and so on? And the government having done that, I believe they could go conscientiously to other large employers, such as railways, hotels, and so on, and put up to them their shining example; and persuade other large corporations to set aside similar work to be performed by these men.

Q. Do you not think you are a little inconsistent there? You predicate it upon these men having a lower efficiency, and you cannot ask any institution to carry the burden of inefficiency in competition with the world.—A. The efficiency of the employee must be in some ratio to the difficulty of performing the given task. Therefore I am asking that the lower paid jobs, the ones easiest

to perform, in other words requiring the least efficient men, be set aside for this next class of men who would not come under bill 19 and who do not receive a pension or sufficient pension to enable them to live. And, shortly, I would much rather see our returned men work than to be given a living without doing anything for it.

By Mr. MacLaren:

Q. I should like to call your attention to subsection 3 of section 10 as to the transfer of property:

"(3) A transfer of property made less than five years before the date of application for an allowance shall be deemed to have been made for the purpose of qualifying for such allowance."

Have you any comment to make upon that?

MR. THORSON: That is the same clause which appears in the Old Age Pensions Act regulations.

By Mr. MacLaren:

Q. I presume it means the transfer in any way, by sale, or gift, or in any other way, and this is what I want to ask you, the effect of the transfer of property might be an evidence of poverty, just as much or more so than being evidence of getting rid of it so that one could benefit under this bill 19?—A. Yes sir.

Q. A man who holds the property, and then, although the period is less than five years, finds himself in financial difficulties, naturally would dispose of that property; and even if it were less than five years he might be in urgent need of assistance? I am making these remarks to explain what I mean, and I ask you to make your comments then on sub-section 3 of section 10.

The CHAIRMAN: I understand the Department have proposed an amendment to that.

Major WRIGHT: The Honourable the Minister, I understand, has spoken to you of it.

The CHAIRMAN: No, I have not any such thing. What was it, anyway?

Major WRIGHT: It was to the effect that this should read "may" instead of "shall". It was not intended to affect the case of a man who was right up against it.

The CHAIRMAN: "A transfer of property made less than five years before the date of application for an allowance may be deemed to have been made for the purpose of qualifying for such allowance."

Mr. ILSLEY: There was a letter from the Minister which was placed before the communications sub-committee and it has not yet been sent to this committee. We have decided not to place those before the committee until after the recess.

Mr. ADSHEAD: Do you not think five years is pretty long?

The CHAIRMAN: It looks long to me.

Major WRIGHT: We were told that it was five years in the Old Age Pensions Act, and we thought unless it were similar it might create a difficulty.

The CHAIRMAN: I do not see how it could.

Mr. ARTHURS: It might be better in this way: "A transfer of property before the date of application"—without saying any term of years—"may be deemed" according to the circumstances, and leave that five years provision out altogether. Why put in any time limit? Just strike out the words "less than five years."

Mr. ILSLEY: With the word "may" the five years would be a protection to the applicant.

The CHAIRMAN: I think Mr. Ilsley's point is well taken. If you make it "may" it is all right with the five years limitation.

Mr. THORSON If Colonel Arthurs' suggestion is adopted, they might also view with suspicion transfers made before the five-year period.

The CHAIRMAN: They might go back ten years, say.

Mr. ARTHURS: I think it would be unreasonable to do so.

Mr. THORSON: To shorten the term might be better. There is one question I should like to ask Colonel LaFleche, which has not any particular connection with this bill. I am not asking it with regard to any particular section in this bill, but I am told that there is a certain objection to the phrase which we have been using continuously, namely, "burned out veterans."

The WITNESS: I must accept some responsibility, and I think all the associations must accept some responsibility, because using it as an adjective I am afraid we have used the words "burned out" to describe the situation, but it certainly has not been used in any derogatory sense.

Mr. ARTHURS: Do you think any of them would refuse the money because of that phrase having been used?

Mr. THORSON: Oh, no.

The WITNESS: I shall cease using that phrase.

By Mr. McLean (Melfort):

Q. In sections 8 and 9 there is a provision that "no allowance shall be paid to a veteran", and also that "payment of allowance shall be suspended" to a veteran under some circumstances. Is there a provision for the care of the man's family under the same circumstances?—A. I left that point on record a short time ago. They do not now, but I left that thought in the record for you.

By Mr. Speakman:

Q. There is a similar provision in regard to insane institutions.—A. There is another item I should like to touch upon, sir. During the conference we also decided to ask you gentlemen to consider the advisability of inserting in this bill a clause making it clear that nothing in the bill might in any way affect the provisions of the Pensions Act. I know we have already said publicly certain things as to that. We take it that Bill No. 19 does not or should not in any way affect the rights of the man to a pension by right under the Pensions Act.

The CHAIRMAN: I do not know that there is any reason why we should pull it in, or any reason why we should leave it out.

Mr. THORSON: I think it is obviously the intention of Bill No. 19 that it shall not affect a man's right to pension; and therefore a clause of that sort might be of value for the purpose of making that clear.

The WITNESS: And leave no doubt, sir.

By Mr. McGibbon:

Q. Might I ask you a question on that point, Colonel: Do you think that this bill might have this effect; an application for pension for disability or disease comes before the Pensions Board, where it is probably difficult to gather the evidence to prove the case of the applicant, and they might say, "Well, we will turn this over to this fund here?"—A. That might be, sir. We maintain that if a man can prove his right to a disability pension, he should have the disability pension.

Q. That is granted by everybody, but the point here is, and I think you must admit it, too, that a lot of these cases which in the eyes of the ordinary fellow are undoubtedly attributable to war service and in the eyes of medical men too, cannot be proven because there is not any proof obtainable.—A. We cannot come, sir, and ask you gentlemen to grant 100 per cent pensions to everybody, whether they can prove it or not.

Q. We are not asking you to do that at all. Please do not get away from the point.—A. I am not trying to get away from the point.

Q. You people were all against throwing the doors wide open; nobody ever suggested such a thing. The question is simply this, a man has either a right to a pension for a disability due to war service, or he has not. If he has, it is up to us, and the country, to my mind, to try and furnish the machinery whereby he can prove his case. Is this bill going to block out a man entitled to a pension, and yet probably he cannot get the evidence to prove it.—A. In answer to that, I can see nothing in Bill No. 19 which would prevent a man from securing relief due to him under the Pension Act, and so that there may be no doubt about it I have taken the liberty of suggesting to you gentlemen that you include a clause in this very bill so stating.

Q. After all, it is a substitute for a legitimate pension which cannot be proved.—A. This should not be a substitute for anything.

Q. I am not saying what it should be, but, as a matter of fact, it is.—A. I do not think it is, sir.

Q. Then on what grounds are you going to justify giving an old age pension, unless due to war service?—A. It is to make provision for those men where it is taken for granted that their front line service burnt them out.

Q. That means war service, and the basis of your whole bill is war service.

Mr. SPEAKMAN: On the basis of the Pension Act.

Mr. MCGIBBON: Well, it is disability. We will put it down to disability due to war service. Now, that is the basis of this bill, and on no other ground can you justify it?

The WITNESS: I do not think we could, sir.

Q. Then it must, as a matter of consequence, be a substitute for pension under the Pension Act, that cannot be legally proved.—A. To my mind, sir, it is relief for those men who cannot prove their cases.

Q. That is what I am saying.—A. Yes, that is right. But if they cannot prove their cases then they would get nothing, as at present.

Q. Would it not be more just to devise some means, if we could, whereby they could prove their case and legally get what they are entitled to? This bill gives a man nothing till he is sixty years of age. What is he going to do when he is forty, forty-five, fifty, up to sixty years? If a man is totally incapacitated at sixty, he must certainly be a reasonable amount incapacitated between the ages of forty and sixty. Under this bill you make no provision for him.—A. There is an arbitrary date, and I presume it must be necessary to fix an arbitrary limit.

Q. I cannot see how it is going to solve the problem very much, because there will be men who will be 90 per cent, 70 per cent, 60 per cent, and 50 per cent unemployable, and all those you do nothing for.—A. And the only other resource is to go before the pension commissioners or whatever machinery you establish, with a carefully prepared case, granting them a very careful hearing.

Q. I am talking about the class that have been there and have not been able to prove their case. You do nothing for them at all, and they are down and out. That is the weakness of your proposition. You let them get down

and out, in the beggar class, when they are poverty-stricken and out on the street, and then you try to bring them back.—A. Under this bill the situation would be very much better than it is now.

Q. You take them off the street, to a certain extent, I agree, but the weakness of your proposition is that you do nothing for a man until he is totally incapacitated.—A. You are quite correct in stating that no provision is made for the man; he cannot claim a pension disability until he is wholly unemployable; there is no allowance by degree, that is perfectly correct.

Q. Do you not think it is a weakness in the act? If a man is 90 per cent disabled, or 70 per cent disabled for that matter, how is he going to get a job? —A. The 90 per cent disability man is practically in the 100 per cent class as far as finding a job is concerned.

By Mr. Ilsley:

Q. He is unemployable then. He comes within the act. A man 70 per cent disability may be unemployable, therefore he comes within the act?—A. Yes.

By Mr. MacLaren:

Q. It is possible, is it not, for a man to draw a pension for a disability and also to obtain an allowance under Bill No. 19?—A. It all depends on the amount of his pension.

The CHAIRMAN: He could draw pension up to \$50 a month, up to \$730 a year if he is a married man.

Mr. ILSLEY: That is, the word "income" includes pension in section five?

The CHAIRMAN: No.

Mr. ILSLEY: That is the only way I can work it out.

Sir EUGENE Fiset: That is what I understood, too, I must confess, that the pension is part of the income.

Mr. ADSHEAD: The word "income" includes the pension.

The CHAIRMAN: A man may draw up to \$730 a year by way of pension before he is debarred from the benefits of this act, or one cent under \$730, before he is debarred from the benefits of this act.

Mr. MCGIBBON: A man can establish his claim to pension under this law if he has a 5 per cent disability or a 5 per cent pension.

Sir EUGENE Fiset: It would include all classes between 11 and 20.

Mr. MCGIBBON: If he is on the pension list he comes under this if he is unemployable or cannot make a living. Another man may have 90 per cent or 100 per cent war disability, yet he cannot prove his case and he gets nothing.

Mr. THORSON: If a man had a 90 per cent disability surely he would be unemployable.

Mr. MCGIBBON: He might come in under that head, and he might not. It is not properly balanced to my mind.

The WITNESS: As I said before, it looks as if this man should have no efficiency left, the lowest strata in the labour market.

Mr. ADSHEAD: No matter what the age.

The WITNESS: To my mind, it is not a question of age; it is a question of the physical and mental condition of the man.

By Mr. McGibbon:

Q. But you see he is not graded. A man may be 50, 60 or 70 per cent disabled, and he gets nothing. If he reaches 100 per cent he goes on the pay list.—A. If a man is 70 per cent disabled he will very soon become totally unemployable.

Q. Do you think any board can decide that?—A. The pension commissioners decide that now. They have twenty classes of pension, and they class a man in this category or that.

Q. If a man has 40 per cent left they can place him as 100 per cent unemployable, and pay him accordingly. They put him in any one of the sections from five per cent up to one hundred per cent disabled.

Mr. ROSS (Kingston): What percentage would that \$730 be?

The CHAIRMAN: It would be about a 60 per cent pension.

Sir EUGENE FISET: In what class would that be?

Major WRIGHT: That is class nine.

The CHAIRMAN: And he gets one dollar a day if he is single, and two dollars a day if married.

Sir EUGENE FISET: That would provide for all classes under schedule A from nine to twenty?

Mr. THORSON: Yes.

Mr. ROSS (Kingston): Surely that is not right. Class 5 would bring him up to 80 per cent.

Mr. THORSON: No, from class 9 down.

The CHAIRMAN: From nine to twenty, is that it, Colonel Thompson?

Mr. ROSS (Kingston): Well, look at it.

The CHAIRMAN: This is on schedule A. It runs up higher than that; it runs up to class five, \$720, does it not?

Mr. THORSON: \$720 for a lieutenant.

The CHAIRMAN: Pardon me. You have got to come down to the other ranks.

Mr. ROSS (Kingston): All ranks and ratings below.

Mr. THORSON: But that is for a single man.

The CHAIRMAN: You have to take off the allowance for the wife and children, I am told.

Major WRIGHT: Just for the children.

Mr. ROSS (Kingston): You do not take off for the children.

Major WRIGHT: No. That is what I mean. We do not take off for children.

Mr. THORSON: If you look at class nine you will find that is fixed as \$540, and additional pension when married \$180, making a total of \$720. The man gets \$540 for himself, plus \$180 for his wife, making a total of \$720.

Mr. BLACK (Yukon): Then are you going to include the amount paid to the children and the wife?

Mr. THORSON: No, just the wife.

Mr. BLACK (Yukon): Why the wife?

The CHAIRMAN: He is getting that extra amount because he has a wife.

Mr. BLACK (Yukon): And he gets the extra amount because he has the children.

Major WRIGHT: The additional allowance for children only carries on till the individual is sixteen or seventeen.

Mr. THORSON: Until the child is sixteen or seventeen.

Major WRIGHT: Yes.

Mr. ROSS (Kingston): It is not so much that as the degree of disability. A man 64 per cent disabled is pretty much out of business; he is unemployable anyway at 64 per cent. I think there is a lot in what Dr. McGibbon says.

The CHAIRMAN: Are there any more questions to be asked of Colonel LaFleche?

Sir EUGENE Fiset: What classes are we up to, five or nine?

Mr. THORSON: Nine.

Sir EUGENE Fiset: Then it does not exactly cover the point raised by Colonel LaFlèche when he proposed that pensioners coming under classes 11 and 5 should be graded to a higher class afterwards. If this Act goes through that covers pretty nearly the point you have raised with regard to the grading of pension after a certain number of years, that is, raising them one class, between classes 11 and 5.

The WITNESS: We have not considered the two resolutions together. One affects the other. Permit me to say again that we cannot accept the bill if it affects, in any way, the Pension Act. Therefore, we have not considered the two together.

Mr. THORSON: Would it be possible, Mr. Chairman, for our counsel to draft amendments along the lines that have been suggested, so that we may have the draft in front of us to study?

The CHAIRMAN: Yes, I think so. We might go over this in committee. There is no necessity for it to be done in camera, and we could hear from the members of the committee, if there are any further suggestions. We might eliminate another sitting. Colonel Arthurs, could you sit in with us for ten minutes, and go through this bill? You have given us very valuable advice up to the present, in fact, I have taken two notes of what you have said.

Mr. THORSON: Is there any special value in having the preamble in the act?

The CHAIRMAN: Oh, yes.

Mr. BLACK (Yukon): What is the object of the preamble?

The CHAIRMAN: To tell us who the people are who are covered by it, I imagine.

Mr. BLACK (Yukon): No, it does not serve that purpose.

The CHAIRMAN: Colonel Biggar says he does not think there is any special reason why we should have this preamble.

Mr. McGIBBON: If you cannot graduate this thing we ought to lower the standard of inefficiency from 100 to 75 or 80 per cent.

The CHAIRMAN: Well, we could do that when we come to the section of the act to which it refers. If the doctor will make an amendment, or a suggestion on that, I will be very glad to take a note of it.

Mr. MACLAREN: Is not the preamble valuable as explanatory?

The CHAIRMAN: I always thought so, but those legal gentlemen say, no.

Mr. MACLAREN: But to the layman it would be of value. I would rather retain it.

Mr. THORSON: I object to its retention on the ground that it may possibly be restrictive.

Mr. MACLAREN: In what way?

The CHAIRMAN: Let us have consideration with the legal authorities as to whether the preamble should be dropped or not?

Mr. McGIBBON: I agree with Mr. Thorson, that all those preambles are legal restrictions.

Mr. BLACK (Yukon): There is no preamble to the Pension Act or any ordinary act.

Mr. ILSLEY: Whether the word income includes pension, is certainly clear when you read it.

Mr. THORSON: I think you should remove the doubt from the operative section.

The CHAIRMAN: This is to be referred to counsel.

Short Title: (1) This act may be cited as the War Veterans' Allowance Act.

Subsection agreed to.

(2) In this act, unless the context otherwise requires,—

(a) "Minister" means the Minister of Pensions and National Health;

Subsection agreed to.

(b) "Deputy Minister" means Deputy Minister of Pensions and National Health.

Subsection agreed to.

(c) "Department" means Department of Pensions and National Health.

Subsection agreed to.

(d) "war" means the Great War waged by the German Emperor and his allies against His Majesty, and His Majesty's allies.

Mr. SPEAKMAN: If we bring in the veterans of other wars, the question of definition of the word "war" will have to be considered.

The CHAIRMAN: If amended to take in veterans of other wars, we would have to amend the meaning of the word "war".

Mr. THORSON: I think it might be advisable to check up some of these definitions and to see to what extent they are the same as in the Pension Act; for example, theatre of actual war.

The CHAIRMAN: "Theatre of actual war", the same thing.

"Veteran"—the only note I have retained on that is Colonel LaFleche's suggestion made by the organized soldier bodies, that he prepare an amendment which would cover veterans of other wars, and submit it back to the committee for decision.

Mr. THORSON: Also with regard to the definition of the word "attributability".

Mr. McLEAN (Melfort): I think there was some suggestion as to the potential liability if it was changed to include the veterans of other wars.

Mr. MACLAREN: I would suggest that you put in an additional clause. Allow this to stand and put in an additional clause in the case of the man who served in other wars.

The CHAIRMAN: We could make an alternative and consider it that way.

Mr. ADSHEAD: Does not the continent of Europe include England?

The CHAIRMAN: No.

Mr. ADSHEAD: Because there were men in England injured from the dropping of bombs by zeppelins.

The CHAIRMAN: Theatre of actual war covers any place wherever the veteran has sustained injury or disability directly by hostile act of the enemy.

Mr. THORSON: So that England may be a theatre of actual war.

The CHAIRMAN: England may be a theatre of actual war, that was discussed.

Mr. MACLAREN: I think this should be considered, because I have had two letters since this began. I refer to the case of men who served during the whole war, in Canada, who were held in Canada against their own wishes, and who have suffered disability; they claim they are not covered by this.

The CHAIRMAN: They are not included unless they sustained injury or disability directly by a hostile act of the enemy. If they had been injured when a bridge was blown up, or something of that kind they would be pensionable. I think there was only one case of that kind.

Mr. BLACK (Yukon): Kicked by a horse would not count.

The CHAIRMAN: Kicked by a horse would not count, because a horse is not an enemy.

The CHAIRMAN: Anyway a horse is a man's best friend, after the doctor. The act does not propose to cover that, and if suggested, it can be amended.

Mr. ROSS: I think, where the man was absolutely refused the opportunity of going to the war, he should be included.

The CHAIRMAN: Doctor McGibbon seems to think we should not allow these chaps in at all.

Mr. MCGIBBON: I do not say that; I made the remark in order to have discussion. I asked the question.

Sir EUGENE Fiset: It should be borne in mind that the man staying in Canada on active service, and who wore a uniform, had no hope of getting away, although many of them applied time and again to be permitted to proceed overseas. They could not possibly go, owing to the fact that they were already on active service, and they had to obey orders.

Mr. MCGIBBON: I am not criticizing them for the fact that they did not go, but I say, by comparison, there is a difference. Take the man in uniform in the militia; he was on duty at the elevators, and places of that kind, but he slept in his own bed every night, and that man cannot be placed in the same class with the fellow who slept on the firing step. There is a difference; I am not saying you should cut him out, I am saying there is a difference.

Mr. ILSLEY: They are supposed to be burnt out.

Sir EUGENE Fiset: If you take the trouble to go into the war records of those who stayed on service in Canada, you would find that these men were replaced as fast as they possibly could be replaced by the returned men.

The CHAIRMAN: I would like to get some further explanation. I understand that it is the intention of the Department to extend this to nonpension men who did serve in an actual theatre of war; is it not?

Major WRIGHT: Yes.

The CHAIRMAN: Where is it in this definition of "veteran"?

Major WRIGHT: It is there.

The CHAIRMAN: Where?

Major WRIGHT: Starting at "Veteran means" on page 2 of the bill.

Sir EUGENE Fiset: So they are covered, then.

Mr. THORSON: Whether he is a pensioner or not.

Major WRIGHT: They are covered.

Mr. ROSS (Kingston): We can discuss that later.

Mr. SPEAKMAN: Yes, that is the big question.

The CHAIRMAN: It is a big question for discussion.

Major WRIGHT: Before you proceed to Section 3, may I raise the point as to final payment in the description of "veteran?" At the time this bill was drawn, I was unable to secure from the British ministry just exactly what their regulations were. You will notice that that refers to an Imperial domiciled and resident in Canada, and who was in an analogous position to the Canadian who received final payment under the Pension Act. I found out shortly afterwards, when I was able to receive from the British Ministry a statement which indicates

that they have cases of Imperials who may have been through the war, but who did not exercise their option of taking Canadian rates. Under their scale, an Imperial is rated between one per cent and five per cent, and I find it is going to be difficult from the bill, to determine whether it is 1, 2, 3, 4, or 5, and I would suggest that it might be better to make it analogous for disability rated higher than 5 per cent.

The CHAIRMAN: Higher than 5 per cent?

Major WRIGHT: Higher than 5 per cent, and that would bring it into an analogous position with the final payment case in Canada.

Colonel BIGGAR: That clause requires reframing, the domicile and residence is intended to apply to the second class as well as the first and third. It does not, as now drawn. The second class begins on line 18, and they do not happen to be domiciled and resident, whereas the first class does.

Mr. THORSON: The first class—a member who served in a theatre of actual war, they do not have to be domiciled or resident in Canada at the commencement of the war.

Colonel BIGGAR: I was omitting that general class, but take the next class. They have to be domiciled or resident in Canada, under line 17; then there is a new class beginning at line 18; any member—presumably that means any former member, to make it agree with that class—runs down—

Mr. THORSON: No, any member of the Canadian Expeditionary Force, who served in a theatre of actual war; any former member of His Majesty's Imperial or Colonial forces, down to "and is in receipt of a pension."

Colonel BIGGAR: If it is "former" in the above line 14, it must be "former" in line 18. The definition of that class stops in line 24.

Mr. THORSON: Yes.

Colonel BIGGAR: That class, under this draft, has not to be domiciled in Canada. That is right.

Mr. THORSON: I think that is the intention.

Colonel BIGGAR: The third class has either got to be resident or domiciled in Canada on the fourth of August, 1914, that is line 30, or he has received a final payment. The antithesis seems to be curious. Is that the intention, or is not the antithesis intended to be in receipt of a pension—I am reading line 27—"for an injury or disease incurred or aggravated during such service" or, he has received a final payment, in line 31. It is not domiciled and resident, I should imagine. That requires a little reframing to make those points clear.

The CHAIRMAN: All right; that will be redrafted. Section 3, what is the objection? Have we any except Dr. McGibbon's objection to it, lock, stock and barrel. I mean, is there any amendment you would like to make?

Mr. MCGIBBON: I have said what I have got to say; I only asked a question.

The CHAIRMAN: Would you suggest any way of overcoming the difficulty you have in mind?

Mr. MCGIBBON: I think it should be like the Pension Board—an independent board.

The CHAIRMAN: You would like to refer this to the Pension Board?

Mr. MCGIBBON: No, I said, refer it to a different board.

The CHAIRMAN: There is no redrafting in that. It is yes or no, so to speak.

Sir EUGENE Fiset: Perhaps that will be further illustrated when we have to consider paragraph 4—"The committee shall have all powers and authority of a commissioner appointed under part 1 of the Enquiries Act." If we knew what those powers are, perhaps there would not be that objection.

The CHAIRMAN: Clause 2.

Mr. BLACK (Yukon): I do not think they would have any time for this at all. When they are busy, what time has the Deputy Minister or Assistant, to carry on a job of this kind?

The CHAIRMAN: That is what they are doing in connection with the hospitals and everything else, is it not, Colonel Amyot? That is the job you are doing now.

Colonel AMYOT: The committee would act, and the Deputy Minister is not called in until they are coming to a conclusion.

Mr. McGIBBON: It will give you more work.

Colonel AMYOT: Yes, it will.

Mr. McGIBBON: Do you not anticipate that that work will be great?

Colonel AMYOT: Yes, it will.

Mr. McGIBBON: I think the Deputy Ministers have enough work on their hands now, without taking this work.

The CHAIRMAN: Subsections 3 and 4.

Sir EUGENE Fiset: Has Colonel Biggar the Inquiries Act before him?

Colonel BIGGAR: I have not the Inquiries Act before me, but there is no objection to that, it is just taking over the powers under that Act.

Sir EUGENE Fiset: We would like to know what those powers are.

Colonel BIGGAR: It is in effect that the committee gather evidence, call witnesses, and in fact, goes further than this committee would have to go because they could have experts and accountants, and get all the assistance they require, to make a proper investigation.

Mr. THORSON: Boards constituted under the statute are given that power under the Inquiries Act.

Colonel BIGGAR: They are given that power under the Inquiries Act.

Mr. McGIBBON: Just look at subsection 3— "The committee may, in its discretion, hold sittings in any part of Canada." Can the Deputy Minister travel all over Canada, and attend to these duties, and still carry on their own duties? I would like to have that job.

The CHAIRMAN: Doctor, you may end up in that yet. It is pointed out to me, however, that no quorum is provided, and it might be well to provide one. What is the objection to that, from a departmental standpoint?

Major WRIGHT: No objection.

The CHAIRMAN: Should we provide a quorum of more than five, and less than three? Then there is to be the honorary member.

Mr. ILSLEY: You had better make the quorum one.

The CHAIRMAN: No, you had better make the quorum two.

Mr. SPEAKMAN: As we will have to discuss this at some length, perhaps it is a waste of time to consider it now.

The CHAIRMAN: We will have to have it in the act in some shape.

Mr. SPEAKMAN: Whether political or not.

The CHAIRMAN: We would have to discuss the matter of quorum and put it in some shape, whether political or not. I suggest a quorum of two.

Mr. ADSHEAD: Two out of six?

Colonel BIGGAR: Two out of five or seven, or two out of eight, if you include the honorary member.

The CHAIRMAN: Two.

Mr. SPEAKMAN: Two together with the honorary representative.

The CHAIRMAN: We will have to have another clause drafted covering the honorary representative, and I will now hand to Colonel Biggar the letter from the Minister.

Mr. BLACK (Yukon): Is this gentleman to be on salary?

The CHAIRMAN: Apparently not.

Mr. BLACK (Yukon): He would give up his time to this for nothing?

Mr. MacLAREN: I suppose that is the significance of the term "honorary representative."

The CHAIRMAN: There is not much "honorary" to it if he is on salary.

Sir EUGENE Fiset: He would not be entitled to expenses unless you provide for it.

The CHAIRMAN: These honorary members: one would be at headquarters, and one would be in each district, so there will not be much travelling.

Mr. BLACK (Yukon): I cannot conceive of a man being able to give up his time to that.

The CHAIRMAN: General Currie said he would give us a man who would do that.

Mr. McGIBBON: He said the Legion would pay him.

The CHAIRMAN: He said the Legion would look after him; the associated veterans would look after him. Section 4: General Fiset has said in his remarks on that, that we have satisfied him.

Sir EUGENE Fiset: I am only satisfied to a certain extent. Notwithstanding what Colonel Biggar has said, I think the powers under the Inquiries Act not only limit, but extend the power of that committee, which is a real protection against political interference to a large extent. I think it would be advisable that we should see exactly what this means, and I would like to see the Inquiries Act before we decide on it completely.

The CHAIRMAN: We will bring down a copy of the Act at the next sitting of the meeting.

Section 5—We change the age from sixty-five to sixty.

Mr. THORSON: And change Clause C.

The CHAIRMAN: Some objection was taken to the words "has resided in Canada continuously for three years". It was suggested that we should put in "and is resident and domiciled in Canada".

Colonel BIGGAR: With regard to Section A, I do not follow it. Does sixty-five years disappear altogether?

The CHAIRMAN: Yes.

Colonel BIGGAR: "And has attained the age of sixty years"—the rest goes out.

Sir EUGENE Fiset: It is sixty-five in the Act as it stands at present; why not follow the items in proper order? You accept sixty-five in the Act at the present time, why not put their age at fifty-five—

Mr. BLACK (Yukon): That is a misprint. It was never intended to be that way. Between sixty-five and sixty is what it means. Do you want to take it all down to fifty? Is that your suggestion?

The CHAIRMAN: Subsection 2 of Section 5 agreed to.

Mr. ROSS (Kingston): What difference does it make anyway? Not a bit.

The CHAIRMAN: All right, subsection 2 of section 5 is agreed to.

Subsection 3, widowers or single men:—

(3) For the purpose of this Act widowers shall be regarded as single men, except where minor children are involved, in which case the Committee may, in its discretion, pay the allowances as for a married man under the provisions of this Act.

Subsection agreed to.

The CHAIRMAN: Section 6, Veteran unable to manage his affairs:—

6. Where, in the opinion of the Committee, a veteran is unfit to manage his own affairs, or would not use the allowance to the best advantage, such allowance may be paid to such person or persons as the Committee may direct for administration.

Section agreed to.

Mr. ADSHEAD: I understand a man may lose his residence and not his domicile.

Mr. ROSS (Kingston): Yes, his house may burn up.

Mr. ADSHEAD: He may transfer his residence outside of Canada, but still maintain his domicile here.

Mr. THORSON: What is wrong with that?

Mr. SPEAKMAN: He may go to Florida to spend the winter, and what would be wrong with that?

Mr. McLEAN (Melfort): He would receive permission from this committee to go away for four months.

The CHAIRMAN: We will try to define that to your satisfaction, Mr. Adshead, but if we succeed we will do better than any of the lawyers have ever done since law was invented.

Mr. ADSHEAD: It is the position in which you place the veteran. Before he can leave Canada for four months, if he has to go for a visit somewhere, he has to go to the committee and ask permission to go out of Canada.

Mr. THORSON: And he should do so.

Mr. BLACK (Yukon): On the other side of the question, a man who is going on a visit to Florida is not going to get much advantage out of this section.

The CHAIRMAN: Section 7, Allowance payable:—

7. The maximum allowance payable under this Act,

- (a) for a married man, where his wife or wife and children are residing with him and being cared for by him, shall be forty dollars per month, which shall be subject to reduction by the amount of the income received in excess of two hundred and fifty dollars a year, and
- (b) for a single man, where in the opinion of the committee institutional care is inadvisable or impracticable, twenty dollars per month, which shall be subject to reduction by the amount of the income received in excess of one hundred and twenty-five dollars a year.

Section agreed to.

The CHAIRMAN: Section 8, When no allowance payable:—

8. No allowance shall be paid to a veteran who

- (a) is receiving domiciliary care under the department as a Veteran's Care case; or
- (b) is presently receiving treatment in provincial or departmental institutions for the care of the insane.

Mr. ADSHEAD: That is to be redrawn, is it not?

The CHAIRMAN: No, I think not.

Senator GRIESBACH: Sections 8, 9 (d), (e) and (f) are the same thing in effect.

The CHAIRMAN: What was the idea there—you suspend it in the one case and cut it off entirely in the other?

Major WRIGHT: At the present time, as Dr. Miller has said, there are about 200 cases receiving domiciliary care. Some of those men may desire to go out, and it is proposed that we will not pay an allowance in those cases. On the other hand, a man might go out and desire to come back in again. If he goes out he will go out on this allowance.

Mr. McGIBBON: What about a man who is in a tubercular sanatorium?

Major WRIGHT: It is proposed that he shall receive care. This is a restriction, sir.

Mr. McGIBBON: It says: "No allowance shall be paid" to them.

Major WRIGHT: That is just in institutions for the insane, sir.

Mr. McGIBBON: Where do you put your commas in clause (b), which says "is presently receiving treatment in provincial or departmental institutions for the care of the insane"?

Major WRIGHT: It is intended only to provide for the insane, sir.

Mr. Ross (Kingston): Is there no allowance to be paid in the insane cases?

Major WRIGHT: It is not proposed to do so, sir.

Mr. Ross (Kingston): A lot of these fellows are under charity and the municipalities are paying for them. Are you going to turn over these fellows to the municipality?

Major WRIGHT: That is the proposition.

Mr. McGIBBON: It is charged back to the municipality from which he came.

The CHAIRMAN: That is so with us.

Mr. Ross (Kingston): Absolutely, it is charged back. You cannot cut that man off.

Major WRIGHT: I might say, Mr. Chairman, if I may be allowed, that the Old Age Pension representatives were here a short time ago from the provinces and had a conference at which there were some representatives of the Department of Labour, and it was a question as to whether the Dominion old age pension would be paid when the pensioner was in a municipal institution, but I understood that would not be done.

Sir EUGENE Fiset: The municipalities are paying half in that case.

Mr. THORSON: It might be as well to strike out clause (b) of section 8.

Sir EUGENE Fiset: Yes, strike out (b).

Mr. SPEAKMAN: Is there any provision for the care of the families of men undergoing treatment?

Major WRIGHT: Excepting if a man is in an industrial home or in a sanatorium, under a previous section, the committee may administer his allowance for him; and in that case it is considered that we would administer it and pay part of it to his wife or dependents.

Mr. McLEAN (Melfort): Where a man dies, you propose to extend the allowance for twelve months to his widow; and in the other case, you do not propose to give anything to the family or wife.

Mr. SPEAKMAN: Where a man is in the asylum, the municipality is paying part of his keep in the asylum and is keeping his dependents.

Mr. THORSON: Yes. I think we might quite well omit clause (b).

Mr. SPEAKMAN: If the committee needs illustrations, I think we might give them; but I do not think they are necessary.

The CHAIRMAN: I think where a certain injustice might be done in the case of a chap who wanted to live in hospital and might do so, and we would have to look after his dependents, and we could not very well give them less than the \$40 a month.

Mr. SPEAKMAN: A man does not go to an insane asylum to live.

The CHAIRMAN: I was not talking about insane asylums.

Mr. SPEAKMAN: That is the case that I was thinking of, in connection with section 8.

The CHAIRMAN: Leave it to the department to come to some conclusion on the question of dependents, with an apparently strong opinion in the committee that something should be done about it.

Mr. Ross (Kingston): The department may have certain cases there for which they are paying something, but there are many cases for which the department is not paying a cent for the dependents.

Mr. THORSON: And they should be looked after. Then if you strike out clause (b), you should also strike out clause (d) of section 9.

The CHAIRMAN: Then section 9, subsection 1, when allowance suspended:

9. (1) Payment of allowance shall be suspended
 - (a) during the lawful imprisonment of a veteran for an offence;
 - (b) during absences from Canada of the recipient except where the Committee approve its continuance during a *bona fide* visit not exceeding four months in any year;
 - (c) during the period of treatment where a recipient is admitted to hospital for treatment of injury or disease related to service;
 - (d) during the period of domiciliary care under the Department, where the recipient is admitted to hospital as a Veteran's Care case;
 - (e) where a single man is admitted to hospital at the expense of the Department as a "treatment only" case without compensation;
 - (f) during the period a recipient is in receipt of treatment or care in a provincial or departmental institution for the insane.

Mr. THORSON: That is amended by striking out clause (d).

The CHAIRMAN: Subsection 2.

- (2) Payment of allowance shall cease on death, but the Committee may, in its discretion, pay to the widow, and widow or minor children of the deceased, or as it may direct, a gratuity of two months' allowances to enable them to make provision for their future care.

This allowance is to be payable by twelve monthly payments.

Now, section 10, Income defined:

10. (1) For the purpose of this Act income shall not include,
 - (a) the income from property on which the veteran resides when such property is assessed at two thousand dollars or under, nor the equity in property under two thousand dollars assessed value;
 - (b) casual earnings nor gifts totalling in the aggregate in any year less than one hundred and twenty dollars;
 - (c) additional pension paid on account of clothing allowance;
 - (d) any war pension being paid on behalf of children of a veteran.

(2) In cases where a veteran owns property on which he is not residing, there shall be counted as income five per cent of the assessed value thereof in excess of the encumbrances thereon.

(3) A transfer of property made less than five years before the date of application for an allowance shall be deemed to have been made for the purpose of qualifying for such allowance.

The CHAIRMAN: Is there any objection to this section? Was there anything special on section 10? I have a little note.

Mr. THORSON: Mr. Ilsley raised a question in regard to income, and said you would come to a conclusion with regard to the meaning of "income" by reference to the preamble. I do not know exactly what he had in mind.

Mr. SPEAKMAN: And did he not also bring up the question of assessed values varying greatly?

Colonel LAFLÈCHE: That in different localities the assessments might vary widely.

Colonel BIGGAR: I think we might take care of that variation, but the difficulty is in the latter part of clause (a). I do not understand what that means when it speaks of "the equity", and "property under two thousand dollars assessed value". Is that property on which he resides? And if it is not property on which he resides, it is an investment. If it is the property on which he resides then the equity cannot be of less value than the property as a whole.

Mr. McLEAN (Melfort): I would think that applies to property elsewhere than where he resides.

Colonel BIGGAR: Supposing he had twenty such properties of a value of a thousand dollars each, would you attach the revenue from all of them? You cannot get an assessed value except parcel by parcel. All that a man having a property of the value of \$2,000 would have to do would be to put a \$10 mortgage on it.

Mr. THORSON: And then he would have \$1,990 equity, and with ten of those properties none of them would be included.

Colonel BIGGAR: Yes. I do not know what the intention was.

Mr. THORSON: I think the intention would be that the total equity in all the properties on which he does not reside shall be less than \$2,000 according to the assessed value of all those properties.

Mr. BLACK (Yukon): You mean the combined value of all those properties?

Mr. THORSON: Yes.

The CHAIRMAN: Subsection 2 provides that where the veteran owns property on which he is not residing, there shall be counted as income 5 per cent of the assessed value thereof in excess of the incumbrances thereon. That is all right.

Mr. SPEAKMAN: I am satisfied to leave that to Colonel Biggar.

The CHAIRMAN: Now take subsection 3.

Colonel BIGGAR: It must be obviously a gratuitous transfer and not a transfer for value.

The CHAIRMAN: Colonel MacLaren pointed out to us that a man might very well transfer for value because he was going broke and was selling off his property piece-meal; and we are substituting the word "may" for "shall", leaving it discretionary.

Mr. THORSON: And it should be "hereafter a transfer of property" and so on.

Sir EUGENE Fiset: Yes, because a poor beggar who has transferred his property before the passing of this act should be excluded.

Mr. THORSON: I think there are extensive regulations under the Old Age Pensions Act with regard to the effect of transfers of property, and a model of that act might be followed.

Colonel BIGGAR: Yes.

The CHAIRMAN: Section 11, If retroactive pension granted:

11. Where a veteran in receipt of an allowance is subsequently granted retroactive pension by the Board of Pension Commissioners under the provisions of the *Pension Act*, such portion of such retroactive pension shall be payable to the Department by the Board as will reimburse the Department for payments made by way of allowance which would not otherwise have been made had the pensioner during such period been in receipt of a monthly pension.

Now, section 12, Statement may be required and Allowance subject to review:

12. (1) The Committee may from time to time require any veteran who is in receipt of an allowance under this Act to submit to it a statement, in the form of an affidavit, of any change in his income, and, in the event of his refusing or neglecting to submit such statement the Committee may suspend future payments of allowances until the statement is received.

(2) The allowance payable to a veteran shall be subject to review from time to time and shall be increased or decreased in accordance with any changed condition of income disclosed.

Section 13, No alienation or seizure of allowance:

13. No allowance shall be subject to alienation or transfer by the recipient, or to seizure in satisfaction of any claim against him.

Section 14, Sums payable out of Consolidated Revenue Fund:

14. All sums payable under this Act shall be payable from time to time on the certificate of the Minister of Finance out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Section 15, Power to make regulations:

15. The Governor in Council may, from time to time, on the recommendation of the Minister, make regulations not inconsistent with the provisions of this Act, with regard to allowances herein provided for, and without limiting the generality of the foregoing provisions, may provide by regulation for:—

- (a) the time at which applications for allowances may be made;
- (b) the time at which after application therefor the payment of allowances shall commence;
- (c) the definition of residence and of the intervals of absence from Canada by which residence therein shall not be deemed to have been interrupted;
- (d) the evidence to be required or accepted by the Committee in support of an application for allowance;
- (e) the manner in which the income of a veteran is to be determined for the purpose of this Act;
- (f) the manner in which the income of the wife and the earnings of a wife and of a son or daughter may be taken into consideration in computing the income of the veteran for the purpose of this Act
- (g) the manner in which a transfer of property made less than five years before the application for allowance shall be considered in determining the income of the veteran;

- (h) the mode in which allowances are to be payable;
- (i) the recovery with or without interest of allowance payments made by reason of the non-disclosure of facts or by reason of innocent or false representations;
- (j) the penalties to be imposed for breaches of the regulations.

Section 16, When regulations come into effect and Regulations to be presented to Parliament:—

16. (1) All regulations made under this Act shall, from the date of their publication in the *Canada Gazette*, have the same force and effect as if enacted herein.

(2) Such regulations shall be presented to Parliament forthwith after their publication if Parliament is then sitting or, if not, within fifteen days after the commencement of the next session thereof.

Section 17, Commencement of Act:

17. This Act shall come into force on the first day of September, 1930.

Sections agreed to.

Mr. ADSHEAD: There is one thing which is peculiar in this Act. According to the statements, this was a substitutional pensions act, for soldiers who would be entitled to pensions but for the fact that they cannot prove their cases, and yet you surround this with more restrictions than are provided in the Pensions Act.

The CHAIRMAN: Oh no, there are a whole lot of people who would get allowances under this act who could not ever by any possibility hope to prove themselves entitled to a pension.

Mr. McGIBBON: You make two statements, first, that they would never get it.

The CHAIRMAN: And some of them would never think that they were entitled to a pension.

Mr. SPEAKMAN: Not only that they could not prove it, but that they have no entitlement.

Mr. McGIBBON: On what ground could you justify that?

Mr. THORSON: Service.

The CHAIRMAN: Just the desire of the people of this country to see ex-members of the service put out on the street. There is no other justification for it.

Mr. McGIBBON: Now you are saying something.

Sir EUGÈNE Fiset: Mr. Chairman, before adjourning, section 15 provides the power to make regulations which shall limit by (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j). What I want to inquire is this, are those regulations to be part and parcel of the act, or are they going to be by Order-in-Council first, and then will they be tabled in the House, and then after they have been tabled, will they be part and parcel of the act?

Mr. THORSON: Yes, any regulations made under the regulating power will be part of the act.

Mr. McGIBBON: The idea of General Fiset is that he wants publicity of them.

Sir EUGÈNE Fiset: Yes, and I want them made part of the law.

The CHAIRMAN: In regard to future meetings, there is a suggestion that we hear the Federal Appeal Board. We have all been taking cracks at them and suggesting that they be abolished, and perhaps we might hear them to-morrow morning.

Mr. THORSON: I think it would be only fair to hear the Federal Appeal Board. I move that that be done.

The CHAIRMAN: At eleven o'clock to-morrow.

The Committee adjourned until Thursday morning April 10, 1930, at 11 o'clock.

APPENDIX No. 6

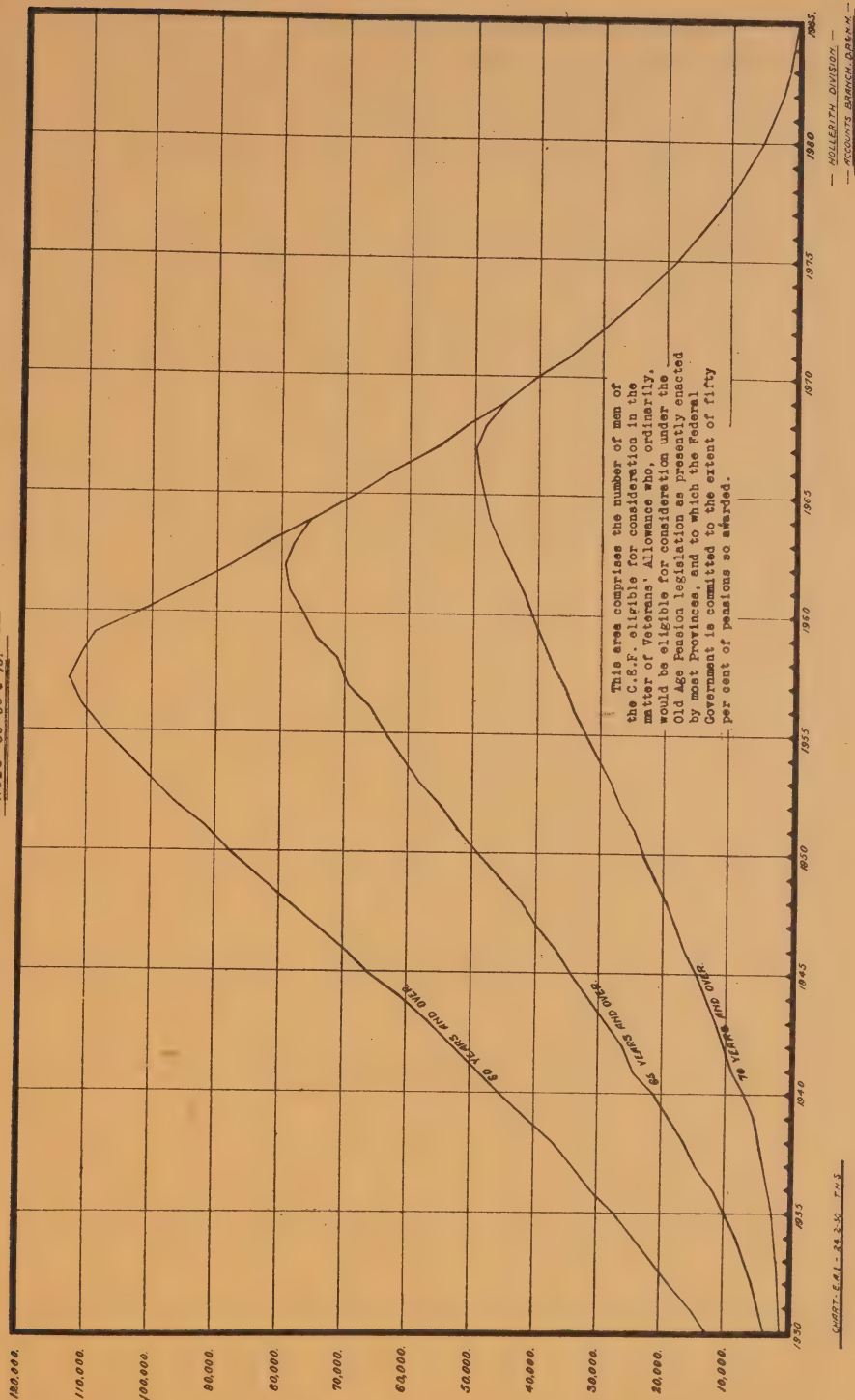
Chart showing total number of men eligible for allowances at ages of 60, 65
and 70 years

APPENDIX No. 7

Chart showing the estimated cost at the age of 60 years for periods extend-
ing from 1930 to 1964

APPENDIX No. 6

WAR VETERANS' ALLOWANCE.
TOTAL NUMBER OF MEN ELIGIBLE
AGES 60, 65 & 70.



APPENDIX No. 7

EX-SOLDIERS ECONOMIC ALLOWANCE ESTIMATED COST

	Total No.	Total		40% of those eligible.				
		Married	Single	Married	Single	Liab. M.—480.00	Liab. S.—240.00	Total Liab.
AGE 60 AND OVER								
1930.....	12,705	9,529	3,176	3,812	1,270	1,829,760	304,800	2,134,560
1931.....	15,013	11,259	3,754	4,504	1,502	2,161,920	360,480	2,522,400
1934.....	24,070	18,053	6,017	7,221	2,407	3,466,080	577,680	4,043,760
1939.....	41,120	30,840	10,280	12,336	4,112	5,921,280	986,880	6,908,160
1944.....	60,803	45,602	15,201	18,241	6,080	8,755,680	1,459,200	10,214,880
1949.....	83,127	62,345	20,782	24,938	8,313	11,970,240	1,995,120	13,965,360
1954.....	104,507	78,043	26,014	31,217	10,406	14,984,160	2,497,440	17,481,600
1959.....	108,843	81,632	27,211	32,653	10,884	15,673,440	2,612,160	18,285,600
1962.....	88,293	66,220	22,073	26,488	8,829	12,714,240	2,118,960	14,833,200
1964.....	75,189	56,392	18,797	22,557	7,520	10,827,360	1,804,800	12,632,160

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Canada, Veterans and Returned Soldiers
Problems, Special Committee

SESSION 1930

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10—THURSDAY, APRIL 10th, 1930

EVIDENCE—Col. C. W. Belton, and Col. C. B. Topp of the Federal Appeal Board; Mr. J. R. Bowler, General Secretary of the Canadian Legion, *Re* Soldiers' Advisers; Captain E. Browne-Wilkinson of the Army and Navy Veterans' Association.

APPENDIX No. 8—Review of Operations of the Federal Appeal Board and Recommendations.

APPENDIX No. 9—Statement of Statistics in Connection with the Work of the Federal Appeal Board.

APPENDIX No. 10—Report on Soldiers' Advisers by the Chief Official Soldiers' Adviser.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

MINUTES OF PROCEEDINGS

COMMITTEE ROOM 368,

THURSDAY, April 10th, 1930.

The special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Arthurs, Black (Yukon), Gershaw, Ilsley, McGibbon, MacLaren, McPherson, McLean (Melfort), Power, Ross (Kingston), Speakman, and Thorson,—13.

Honourable Senators present: Messrs. Béland, Buchanan, Graham, Griesbach, Lewis, Macdonell, and others.

In attendance: The Dominion President, the General Secretary, and Officers of the Executive of the Canadian Legion; the Dominion President and Captain E. Browne-Wilkinson of the Army and Navy Veterans; Mr. R. Myers of the Amputations Association; Col. C. W. Belton, and Col. C. B. Topp of the Federal Appeal Board; the Secretary of the Department of Pensions and National Health; Commissioners of the Board of Pensions, and others.

The Committee proceeded to consider the operations of the Federal Appeal Board.

Col. Belton and Col. Topp were called for evidence.

In the course of Col. Topp's examination, a review of the operations of the Federal Appeal Board containing suggestions as to more adequate preparation of applicants' cases, new machinery, etc., and also a complete statement of statistics in connection with the work of the Board, were submitted in writing. See Appendix Nos. 8 and 9 herein.

The Chairman informed the Committee that he had received the Report of the Chief Official Soldiers' Adviser. After consideration, it was agreed that said report be printed as an Appendix. See Appendix No. 10 herein.

Mr. J. R. Bowler, General Secretary of the Canadian Legion was called. Mr. Bowler gave his experience regarding the work he covered when acting as Soldiers' Adviser in Winnipeg and emphasized the importance of adequate preparation of applicants' cases.

Upon the question of further evidence by the Army and Navy Veterans Association, Mr. Thorson moved that Captain E. Browne-Wilkinson, of Winnipeg, be heard.—Motion carried.

Captain E. Browne-Wilkinson was called, examined, and discharged.

The Committee then adjourned until after the Easter Recess, at the call of the Chair.

MINUTES OF EVIDENCE

COMMITTEE ROOM 368,

HOUSE OF COMMONS,

THURSDAY, April 10, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Chairman, Mr. C. G. Power, presiding.

The CHAIRMAN: We are to hear this morning the Federal Appeal Board.

C. W. BELTON called.

The WITNESS: Mr. Chairman and gentlemen, I am the chairman of the Federal Appeal Board. Colonel Topp, who is with me, is the secretary and also commissioner of the board. He has prepared a statement that will probably bring about some questioning, and it will be a good way to introduce the matter. Each of us will be prepared to answer such questions as you may desire to ask.

Colonel C. B. TOPP called.

Colonel TOPP: Mr. Chairman, I wonder if, in all sincerity, I might say before starting that having attended every parliamentary committee since 1920, I think the discussions before this committee have been more interesting and more thoroughly constructive than those before any previous committee.

I think, sir, with regard to the Appeal Board, the principle criticism has, perhaps, been with regard to congestion of work. I want to say immediately that there is unquestionably a very considerable congestion of work before the Board at the present time. The Board took office in 1923, with an accumulation of work before it because it had the refusals of pensions of years past. We tackled that accumulation as rapidly as we could, but the personnel of the Board were largely new men, not previously familiar with pension procedure, and it was very necessary that we should go slowly in the beginning. By 1925 the accumulation had been pretty well overtaken, and for the next two years, up to 1927, we were able to keep fairly well abreast with the work. Then, in 1928, with the removal of the time limit for applications for pension, and the provisions for second appeal on the production of new evidence, new appeals came in at a tremendous rate, and we have been quite unable, since that time, to keep thoroughly abreast of it. At the present time,—and may I say here, sir, that we have so far received over twenty-one thousand individual cases, and while it is quite true to state that there is congestion of work—

The CHAIRMAN: Since the inception of the Board, twenty-one thousand?

Colonel TOPP: Since the inception of the Board, twenty-one thousand have been received.

The CHAIRMAN: In how many years?

Colonel TOPP: In five and a half years.

The CHAIRMAN: When did you start to work?

Colonel TOPP: September, 1923.

The CHAIRMAN: That is six and a half years.

Colonel TOPP: Yes, six and a half years, I beg your pardon, sir. And, while it is true to state that there is a congestion of work, it is not altogether accurate to suppose that very little has been done. On the contrary, some fifteen thousand of those applications that we have received, have been disposed

of, including those which were outside our jurisdiction. At the present time there are, roughly, some four thousand appeals within the jurisdiction of the Board, which remain to be heard. It is perfectly true that a great many of those appeals that are waiting to be heard, are inadequately prepared, but sooner or later they must be dealt with, and, therefore, I think it is proper that we should consider that figure as the number outstanding. In addition to the four thousand appeals within the jurisdiction, there are, roughly speaking, four thousand more that are outside the jurisdiction of the Board, that is, assessment appeals, and claims in respect of refusal of pension on other grounds. I mention that because, if the grounds of appeal are enlarged, as is proposed, there is, in round figures, an accumulation of about eight thousand cases which will have to be dealt with. I would like to say, sir, and may I just repeat what Colonel Thompson said the other day, that it is for the committee to decide what is to be done in the future, and any suggestion, or any remarks that I may make, or we of the Appeal Board make, is only with the desire to offer something helpful, or something constructive in the solution of the problem. It is quite obvious to us, with the Board as at present manned, that we cannot hope to overtake the accumulation that is before us, and some change is essential. I have been very much impressed with the discussion here about the necessity for more adequate preparation, and, gentlemen, we speak with the experience of over six years behind us. We have been actually travelling throughout this country hearing appeals in fifty-four centres, all the way from Sydney, Nova Scotia, to Prince George, British Columbia, and we have come right in contact with these men, and we have some appreciation of what is wanted. It is our considered opinion, sir, that the present unrest, as has already been pointed out to the committee in regard to pensions, is primarily due to incomplete preparation of the claims, rather than any inherent defect in the Pension Act, and that it can be remedied only by changes in administrative procedure, whereby the onus will be removed from the applicant, and will be assumed by the state. If Parliament made no change whatsoever other than to provide the means of proper preparation of the claims, it would bring about a much better condition and many new pensions would be awarded.

The factors that would have to be taken into account, sir, include these:—

The soldier's adviser, or his counsel. That service must be enlarged and must be adequately staffed and equipped. Secondly, it should be made the first duty of the counsel to prepare the case for the Board of Pension Commissioners, and not for the appeal tribunal, whatever it is. I think that no case should be brought before the appeal tribunal until some competent authority has certified that that claim is adequately prepared or all the evidence that can be procured, has been procured.

Mr. ARTHURS: At this point I just want to ask Colonel Topp one or two questions. You are speaking now of the statement of claim to be forwarded by the applicant for pension, and as it appears to the Appeal Board. As a matter of fact, the original claim does not come before your Board, is that not true?

Colonel TOPP: That is quite true, that is just my point.

Mr. ARTHURS: And, in addition to that, if there is anything additional put forward, which was not on the original claim, your board is powerless to act under those circumstances.

Colonel TOPP: That is quite true, sir.

Mr. ARTHURS: A few moments ago you stated that if these claims were properly presented, many new pensions would be awarded.

Colonel TOPP: I said that, sir.

Mr. ARTHURS: That is your personal opinion?

Colonel TOPP: That is my personal opinion, and it is supported by this knowledge.

Mr. ARTHURS: In other words, under the present Act, or the present procedure, there are barred out many claims which are absolutely just in your opinion.

Mr. THORSON: That is a double-barrelled question.

Colonel TOPP: Through lack of preparation, yes, sir.

Mr. ARTHURS: Through lack of preparation there is something at the present time preventing claims which are otherwise just, from being awarded.

Colonel TOPP: That is my opinion, sir, yes, and to illustrate what lies behind that opinion, I may say that in nearly 15,000 cases where appeals were entered with the Federal Appeal Board, pension has been awarded by the Board of Pension Commissioners, without any judgment whatever by the Appeal Board, simply on the production of new evidence. The fact that the appeal is entered and correspondence begins and that sort of thing stirs up the applicant and those interested; new evidence is put in and the pension is granted without any further appeal procedure at all. In fact, the Appeal Board, in my opinion, and I think that opinion is shared by the Board, has done its most effective work in emphasizing that need for better preparation and encouraging people to get new evidence in to the commission and to establish their claims and in that way secure pension.

Mr. THORSON: The fifteen hundred cases that you refer to are cases that were sent back from the Federal Appeal Board because there was new evidence.

Colonel TOPP: Yes, sir.

Mr. GERSHAW: Does the Appeal Board point out to the applicant wherein his evidence is defective or lacking?

Colonel TOPP: Invariably, sir, and many hundreds of claims are adjourned for that reason. We point out the defects, ask them to try to get new information, and submit that information. We are quite powerless, under the present law, to hear anything that is not part of the record, and we simply adjourn the case when it comes before us.

Mr. ARTHURS: Just in that connection, Colonel Topp, we had evidence a few days ago from Dr. Kee, that the precis of the medical evidence of the Board of Pension Commissioners, was not available to you. Is that correct?

Colonel TOPP: That is correct, sir, but we do not want that precis. It is of no value to us. We have invariably followed the practice of examining the original file and the original documents. And I would like to just back up what Colonel Thompson said the other day, that the original file and the original documents are essential; they must be seen by whatever tribunal is going to decide the case.

The CHAIRMAN: How do you get these original documents before you?

Colonel TOPP: We give our decisions here in Ottawa, sir, where the documents are available.

The CHAIRMAN: Have you never given decisions on the bench in outlying districts where you may happen to be?

Colonel TOPP: No sir. That is to say, we do not actually deliver a judgment from the bench out in the district.

The CHAIRMAN: Why not?

Colonel TOPP: In many cases where the thing is fairly obvious one way or the other, the Commissioners are able to record their decisions following the hearing, and they do that in many cases; but the Chairman of the Board at the inception of our work emphasized the necessity for examining the original

files, and not depending on precis or the somewhat incomplete local file; and so our procedure—and it is statutory at the present time—provides that the judgment shall be issued here; and that is the practice we follow.

Mr. ADSHEAD: When you come back to Ottawa, do you discuss the matter with the Board of Pension Commissioners?

Colonel TOPP: Certainly not, sir.

Mr. ADSHEAD: How many of these 21,000 cases were successful on first appeal?

Colonel TOPP: We have allowed, roughly speaking, some 3,000.

Mr. ADSHEAD: Out of the 21,000?

The CHAIRMAN: Out of 23,000.

Colonel TOPP: 3,000 out of the total of 21,000.

Mr. BLACK (Yukon): Out of the 3,000, was pension allowed in every case.

Colonel TOPP: There may be a case where the disability was considered negligible. I think in practically every case where there has been an allowance of the appeal either a pension has been awarded or perhaps a small gratuity paid, where perhaps the disability was very slight. In the great bulk of the cases a pension has been awarded.

Mr. BLACK (Yukon): In only 3,000 cases out of the 21,000 appeals have you reversed the decision of the Pension Board?

Colonel TOPP: That is so, sir, but it is well to bear in mind that of that 21,000, 4,000 roughly are waiting to be heard, 1,000 are Imperial cases, and 4,000 are outside of the jurisdiction of the Board. There have been 3,000 allowed appeals on, roughly, between 11,000 and 12,000 hearings.

The CHAIRMAN: 25 per cent.

Colonel TOPP: About 25 per cent.

The CHAIRMAN: Have you those figures here?

Colonel TOPP: They are not in my statement here, but I have a statement which I can file.

The CHAIRMAN: A statement of that kind should be filed before the Committee.

Mr. SPEAKMAN: In addition to those, there have been some thousands of cases. There have been 1,500 cases in which pensions were granted by the Pensions Board.

Colonel TOPP: Yes.

Mr. SPEAKMAN: After you had referred it back to take new evidence, and are those 1,500 in addition to the 3,000 which you have mentioned as appeals which have been granted?

Colonel TOPP: They are included in the 3,000 sir.

The CHAIRMAN: So that really you only gave judgment in 1,500 cases.

Colonel TOPP: No, we give judgment actually in about 2,000 of those cases—my figures are a little bit low; it would be 3,500 in which pension has been granted. I have been perhaps too careful not to exaggerate, but that is the fact.

Mr. ADSHEAD: Was that in about 2,000 cases out of the 3,000 in which you granted the appeal on the hearing?

Colonel TOPP: Yes, that is so, taking into consideration all the unheard cases.

Mr. THORSON: Have you that statement for us?

The CHAIRMAN: I think we had better have the definite statement filed before the Committee.

Colonel TOPP: I will furnish that to you, sir.

Mr. THORSON: How many cases were cases in which appeals were lodged, but in which the Federal Appeal Board had no jurisdiction?

Colonel TOPP: In round figures, about 4,000, sir. They are wiped out. I think I explained that probably before you came in.

Mr. THORSON: Because the court had no jurisdiction to hear those appeals?

Colonel BELTON: But they had to be examined and gone into first.

Colonel TOPP: If the grounds of appeal—

Mr. BLACK (Yukon): You had the 4,000 cases come to you?

Colonel TOPP: If the grounds of appeal are enlarged, there are at the present time on record 4,000 cases which will have to be considered by whatever tribunal is responsible.

Mr. BLACK (Yukon): Who put them up to you?

Colonel TOPP: The applicants. The returned soldier, in this country, does not know the grounds of the appeal.

Mr. BLACK (Yukon): Does not the soldiers' adviser know?

Colonel TOPP: Yes.

Mr. BLACK (Yukon): And does he put up cases which are beyond your jurisdiction?

Colonel TOPP: Generally speaking, the soldiers' advisor does not put up cases beyond our jurisdiction; but the letters come in to us from all over, appealing on certain grounds, and we draw the file and ascertain whether the appeal is within our jurisdiction, and if it is not we simply so advise the applicant, and we have to make some record of that, and we record it.

Mr. THORSON: You cannot consider that as an appeal, because it is not an appeal.

The CHAIRMAN: But it is a case done, considered and disposed of.

Mr. THORSON: But it is not an appeal and it ought not to be counted as among the cases heard by the Federal Appeal Board.

Colonel TOPP: It is not counted as heard, but we have to record it in some way, and we record it as an appeal not within the jurisdiction of the Board.

The CHAIRMAN: Now, will you allow Colonel Topp to proceed with his statement?

Colonel TOPP: The third point in the work of preparation is that we think provision should be made for easier access to the departmental medical service, when an examination or hospitalization, perhaps for diagnosis, is required. In many cases which are put up there is nothing more on file than a very indefinite medical certificate. A man may have had a long and meritorious service, but there is very little information as to what happened during that service, or as to what happened afterwards. We think that as part of a further provision to help in the preparation of claims you would necessarily include some means whereby the proper authority could instruct that the man be admitted to hospital for a thorough examination and diagnosis of his condition. That is done, I believe, by the Board of Pension Commissioners at the present time in cases where they consider that there is perhaps a doubt. We think that it should go farther than it now does.

Mr. MacLAREN: Supposing you refer that man for a further report, could not that be carried out? If you communicate with the Pensions Board and ask them for a further report, could not that be obtained and submitted to you?

Colonel TOPP: In any case where we asked the Board of Pension Commissioners to get a further medical report, they almost invariably have to do that, and sometimes we have to pay for it.

Mr. MacLAREN: Does not that deal with the point which you are just raising, that you could obtain this if you asked for it?

Colonel TOPP: It does, in a measure, sir; but I am bringing out the fact that under present conditions the appeal tribunal, which should only get these cases in their final and complete form, finds some necessity, in a certain number of cases, for having them back for further examination and further evidence, which we think should have been obtained in a proper preparation of the case before it ever went to the Board of Pension Commissioners.

I am merely trying to argue that the Board of Pension Commissioners themselves are obliged, under certain circumstances, to give decisions on extremely inadequate information; and there should be some competent authority who would recognize those points and have them corrected before the Commission ever gives any decision at all.

Mr. ADSHEAD: You said that sometimes you have only very indefinite medical information on the file. How does that occur? Then you would not have the full evidence before you?

Colonel TOPP: I have here, sir, three files which I picked up at random just before I left the office, which would illustrate that point, if the Committee wish to see them.

Mr. ADSHEAD: Do you know why it is that the full evidence is not on the file?

The CHAIRMAN: Will you give us a typical case from your file?

Colonel TOPP: I would cite this case, sir, as case B—this is simply a Board of Pension Commissioners file.

Mr. ADSHEAD: That is the file which would be presented to you in hearing the case?

Colonel TOPP: This is the file we have before us in deciding the appeal, and there is nothing there at all but one letter from a district officer of the department, stating that a man is making a claim for a certain condition. The Board of Pension Commissioners placed its finding on the file, "Exhaustion Psychosis, Post-discharge".

Mr. ADSHEAD: You have not all the evidence before you, if there is an incomplete file sent to you?

Colonel TOPP: Yes, that is all there is.

Mr. ADSHEAD: There is an incomplete medical certificate?

Senator GRIESBACH: But that is all there is. That is the cause of the whole trouble.

Hon. Senator BELAND: Was there any medical evidence on this file, Colonel Topp, showing that it is a post-discharge condition.

Colonel TOPP: There is simply, sir, the precis of the medical documents, which contains no entry which would indicate that the man's present trouble is related to the condition for which he is now applying for pension.

Hon. Senator BELAND: Was there evidence that the man was medically examined?

The CHAIRMAN: May I go over his file for the committee? The file consists of a number of sheets, and it starts with the soldier's name and number and the place where he enlisted, etc.; that is a yellow sheet. The next thing in it is a precis of military and medical history, dated January 13, 1928, and they give his age, and place of birth, etc.; distinctive marks, etc., scar on nose, scar on first finger, right hand, scar on back of left hand. Slight defects—none. Service record: Place and date of enlistment—Edmonton, 23-2-16. Date of embarkation for England, 28-4-16. Proceeded to France, such a date; returned

to England, such a date, wounded; returned to France, such a date. Demobilized, such a date. Then the medical history: M.F.W. 129—Halifax—13-3-19. General Description: Physique—good; weight, height, etc.; condition of arteries—good; etc.; then a whole questionnaire about him; Has he ever suffered from, or has he now, any affection of the following systems—which would include the nervous system—and the answer is No.

Then they give an excerpt from a medical sheet at Kinmel Park, 16-1-19; Physique, etc. He must have been examined at Kinmel Park, which was a base in England, before being sent back to Canada.

There is another army form W-3172, Canadian General Hospital, on 9-5-18: Part to be X-rayed, etc., and the medical history sheet at that time.

Mr. THORSON: Where was Kinmel Park?

The CHAIRMAN: Kinmel Park was in Wales, a kind of a base where the Canadian soldiers were collected to be forwarded to Canada for demobilization. There are two pages of this medical history. Then there is a dental certificate in England, dated 1-15-19. That comprises his medical history, apparently—three pages of it.

Then there is a document here, which apparently refers to an examination made of the man by the Chief Medical Officer or Medical Superintendent of a provincial medical hospital at Ponoka, Alberta, which states that the patient has had an acute paranoid attack, etc.

Senator GRIESBACH: When was that?

The CHAIRMAN: That is dated in 1929, ten years afterwards.

Then there is a letter from the Chief Medical Officer, I suppose, of the unit in which this man happened to be a member, in Calgary, addressed to the Director of Medical Services, which says:

I am enclosing herewith form 99 on the man for your ruling, please. This has just come to hand due to the fact that I wrote requesting it on August 27 as the Secretary-Treasurer of the municipality in which this man lives is making inquiries as to whether we are responsible for this case.

And this is dated September 6, 1929. Then the Director of Medical Services of the Department of Pensions and National Health, Ottawa, writes to that same Chief Medical Officer at Calgary as follows:

Reference your letter of September 6:

The Board of Pension Commissioners has recently ruled as follows:

Exhaustion Psychosis—post-discharge

Under the circumstances, the Department can assume no responsibility.

Then there is a pink sheet, giving the regimental number, rank and name and date, and Decision of Commissioners: Entitlement: Exhaustion Psychosis—Post-discharge. That is his story.

Mr. ARTHURS: You drew attention to the fact that the man must have had a full examination, because there are two sheets?

The CHAIRMAN: I would withdraw that.

Mr. ARTHURS: Is it not true that those two sheets accompany the record of the man in every case?

The CHAIRMAN: That is quite true.

Mr. ARTHURS: And is it not also true that the medical men may fill that in after the man is two thousand miles away?

The CHAIRMAN: Yes, that is quite right.

Senator GRIESBACH: Is there anything here to show the man's condition on service?

Colonel TOPP: I do not think so, sir, excepting that the man had a fairly long service, and he was wounded in France; and often in these cases the mental trouble developed post-discharge, and we are told that there is some connection between the two. The point that I want to illustrate here is that there is absolutely nothing over a period of ten years to show that that man was nervous or was unable to follow his employment, or anything at all like that.

Senator GRIESBACH: Yet that evidence might exist.

Colonel TOPP: Yes, it might exist.

Senator GRIESBACH: And nobody has taken the trouble to find out?

Colonel TOPP: That is the fact, sir.

Senator GRIESBACH: And lack of preparation is at the bottom of it?

Colonel TOPP: I produce that as an illustration of the necessity for preparation. And there are very, very many such cases as that.

The CHAIRMAN: In that case, neither the Board of Pension Commissioners nor the Federal Appeal Board could possibly give any other ruling on the evidence before them.

Senator GRIESBACH: No, the ruling was quite sound, but if the fellow had had a friend who would follow up his whole life for those ten years and get statements from medical people and comrades and others and himself, that evidence possibly might have been built up which would have connected his condition with his service. That is probable, but there is no machinery for doing it.

The CHAIRMAN: Go ahead, Colonel Topp.

Colonel TOPP: The next point, sir, that we feel is important in this preparation work is that there should be some provision for the extension of departmental investigation services for the purpose of assisting applicants to procure evidence. Our experience is that applicants for pension and their friends, their medical advisers, and so on, are not sufficiently familiar with what is required to enable them to put the knowledge that they have into proper shape; and we feel very strongly that in certain cases, where it appears that there may be some information, and where you have first of all the factor of service in France, and perhaps a long and meritorious service, and the man is old and suffering from some condition which might have originated on service, that there should be a definite measure of assistance given to him, by someone trained in the collection of the necessary evidence, to help in getting it. It is done just as examinations are done at the present time in some things, but we think there should be far more of that sort of thing than is now the case.

The next point is, that all of these four thousand appeals, which are at the present time pending here, should be referred back to the soldiers' adviser, or the counsel, whoever he is, at once, without any further procedure at all, and that these should be reviewed from the preparation standpoint before being heard. That would very much reduce the accumulation at present before the appeal board.

A further point is, that there should be in every district a local committee comprising the soldiers' counsel, the pension medical examiner and the district administrator, to check over each appeal case, and to decide what additional evidence is necessary and, if advisable, a further examination, personal investigation, and so on. In cases where some further examination or investigation is considered by the committee to be necessary, that to be carried out by the

department. That again is in line with this theory that I am trying to argue, sir, that preparation should be for the commission, to fix up the case, so that the commission can give an intelligent decision on it before any appeal procedure is considered at all.

A further point which I think General Griesbach mentioned the other morning, that if a counsel of standing in each community were appointed, he could simply, by telling the applicant that he had no case, dispose of a great many of the applications that are pending. With all respect, sir, I would like to point out that, in our experience, no counsel, however eminent, would be able to prevent quite a considerable number of these obviously weak cases coming before the board. Furthermore, I believe the original intention of establishing right of appeal was to give applicants the privilege of airing their grievances, whether those grievances were well founded or not, in a public way. But, of course, these cases could be segregated, or grouped, into one classification and could be dealt with by the district board, or whatever it is, in a very short space of time. We will always have with us that type of obviously weak case on which a decision will have to be given.

The last point on that subject, sir, is that we think there should be more informative correspondence when the claim is first submitted to the Board of Pension Commissioners, that there should be carefully written personal letters rather than form letters.

Mr. THORSON: Written by whom?

Senator GRIESBACH: The secretary of the board, for one.

The CHAIRMAN: Who should write these personal letters?

Colonel TOPP: This is merely a personal opinion, sir, but I think there should be a correspondence section comprised of trained people having knowledge of what is required to establish a claim, and who would write thoroughly informative letters to the applicant rather than simply a few lines saying, "your disability is post-discharge."

Senator GRIESBACH: Yes, and in accordance with a lot of sections that he has never heard of, and references to the act, and such things, so that he does not know what the deuce the fellow is talking about.

Colonel TOPP: I feel very strongly on that. I do not offer it as any criticism of the present procedure, because obviously the Board of Pension Commissioners, under present conditions, cannot begin to give personal attention to any case. They have far too many to deal with to give them that personal attention.

Mr. THORSON: Do you not think that is overstating it, that they cannot give personal attention to any case?

Colonel TOPP: Well, I am maybe overstating it, in saying "any case," sir, I think Dr. Kee said there were 1,890 cases a month. The commission is necessarily obliged to depend, in a very large measure, on a precis, and I question very much whether without additional staff the commission could undertake to go into these cases in a personal way to the extent of writing a complete letter.

Mr. THORSON: You would not say that all the cases that come before the Federal Appeal Board show signs of lack of preparation, would you?

Colonel TOPP: By no means, sir. A great many of them are very thoroughly prepared, on the contrary. I would say that 50 per cent of the cases that came before the appeal board are inadequately prepared.

Mr. ADSHEAD: So then there are two causes, first, the lack of preparation, and secondly, the board cannot hear them properly because of lack of time.

Colonel TOPP: It is quite obvious, sir, that we are not keeping up with the work.

Mr. GERSHAW: Would you care to tell me what you think of the general preparation of the cases by soldiers' advisers throughout the Dominion as a whole; is their general work satisfactory?

Colonel TOPP: Well, I am bound to state, sir, that, generally speaking, the cases submitted by the soldiers' advisers are inadequately prepared. I would qualify that by stating that the soldiers' advisers at present have inadequate assistance. They have nothing really but themselves, and an allowance for a stenographer, and it is very difficult for them to do much effective work on a scale that we think it should be done.

Mr. ARTHURS: Is it not true, that, in many cases, the soldier's adviser is many hundreds of miles removed from the applicant, and consequently has second-hand information only?

Colonel TOPP: Leaving out the larger centres, sir, I think I am safe in saying that in perhaps 75 per cent of the cases the soldier's adviser does not see the applicant at all until the time his appeal is heard. His only access to him is by means of correspondence.

Mr. THORSON: Where do you get that figure of 75 per cent? You mean leaving the cities out of that?

The CHAIRMAN: Yes.

Colonel TOPP: Well, we travel around a great deal, sir, and the soldiers' advisers themselves tell us that. Mr. Bowler is here, and I think he could probably confirm that.

Mr. THORSON: The statement that in 75 per cent of the cases the official soldiers' adviser does not see the appellant until the appeal is heard does not apply to the large cities, does it?

Colonel TOPP: Oh, no, by no means.

Mr. THORSON: You excepted them?

Colonel TOPP: Yes.

The CHAIRMAN: Mr. Bowler might give us some information on that.

Mr. MACLAREN: What proportion of the cases are put forward by the soldiers' advisers, and what proportion are put forward from other sources?

Colonel TOPP: The bulk of the cases, sir, if not put forward by the soldier's adviser himself, ultimately come into his hands.

Mr. MACLAREN: That is to say, you mean anything over 50 per cent; you cannot get any nearer than that?

Colonel TOPP: More than that, sir.

Mr. MACLAREN: Would you say 75 per cent?

Colonel TOPP: I would say that 90 per cent of the cases coming before the appeal board are presented by the soldiers' advisers.

Senator GRIESBACH: Yes, but that is not important; that is almost bound to be so. How many cases come before the pension board from the soldiers' advisers?

The CHAIRMAN: He would not know that.

Senator GRIESBACH: Well, he said 50 per cent not long ago.

Colonel TOPP: I might say this, sir, that in a very large number of cases entered with the appeal board by the soldiers' advisers the soldiers' adviser has a crack at the pensions board before coming to us, if he thinks there is any chance of success there. He writes to the pension board and he says, "an appeal has

been entered in this case." Perhaps he has not sent in any new evidence, but he may present an argument to the board, and ask for a review of the case. All those cases go to the commission. What other claims there are I do not know, except in this connection, that the soldiers' advisers all over the country have told us that the most effective work they have been able to do is in putting up cases to the Board of Pension Commissioners directly without coming to the appeal board at all.

Just another point in connection with this idea of preparation, sir. They are able to do a lot of effective work in that regard, and I think perhaps they have been somewhat unjustly criticized through lack of knowledge of that end of their activities. There is no record of that sort of work, so far as I know, but they all tell us that a lot has been done. Mr. Bowler could possibly give you more concrete figures on that point than I can.

The CHAIRMAN: We shall hear Mr. Bowler later, proceed with your statement, Colonel Topp.

Colonel TOPP: I wanted, sir, if I may, to refer to the proposals which have been submitted to the committee, for new machinery. The principal of the plan submitted by the chairman of the committee is, in my personal view, more in line with the attempt of the present inquiry than either of the other plans, in that it retains the right of appeal to an entirely independent tribunal. This right was granted by parliament in 1923, and was one of the most important changes, in my opinion, ever made in Canadian pension legislation. A plan which would place the whole of the judicial procedure, including appeals, under an enlarged Board of Pension Commissioners, would be a departure from the very important principle of an independent court of rehearing. The alternative suggested by Colonel Thompson, that is, a separate independent court sitting in Ottawa, would in my judgment take care of that objection.

Mr. THORSON: Not sitting in Ottawa.

The CHAIRMAN: The appeal court sitting in Ottawa.

Colonel TOPP: Yes. In other words, Colonel Thompson's suggestion, with the alternative regarding appeals, with three judges—I think he said two judges and a doctor—sitting in Ottawa, with the boards travelling around the country, actually seeing these men and giving decisions, seems to me to incorporate the very important principle in Major Power's original memorandum, and at the same time it preserves to the veteran the right of appeal to an independent body.

The CHAIRMAN: You would have this appeal limited or restricted to some extent?

Colonel TOPP: Decidedly, sir, I have a note here, that finality of decision should be provided for. Appeals from finding of the travelling boards, in my judgment, should be by leave only. Otherwise, every single case will be appealed, and you would simply have another appeal tribunal choked up with work.

The CHAIRMAN: Choked up in the same way that you are to-day?

Colonel TOPP: Exactly, sir.

Mr. THORSON: What do you mean by appeals by leave only? Would leave have to be obtained in every case?

Mr. ADSHEAD: From whom?

Colonel TOPP: I cannot say much more than this, sir, on that point. It seems to me that the original hearing in Ottawa by the existing Board of Pension Commissioners would be carried on just as it is now. There would, in a sense, be an appeal from that finding to the travelling board. It, in any event, would be a re-hearing in the presence of the man. It seems to me that you might reasonably stop there in so far as this large number of obviously weak

cases are concerned. I do not mean that every man would have the right to refer his case to the appeal tribunal in Ottawa, but that the appeal tribunal would have the power to say, "You have no case, and no appeal will be dealt with."

Mr. ADSHEAD: How could that be without hearing the evidence first? It would be a re-hearing when they came to that decision.

The CHAIRMAN: I do not think there is any intention in anybody's mind to have a re-hearing on a third appeal, so to speak. Frankly, I think everybody agrees that somewhere, sometime in the machinery, there must be some restriction. I think it has been found, in appeal legislation in civil matters, extremely difficult to bring in any restrictive legislation, and the most modern theory is that you leave the right of appeal to be given at the discretion of the appeal tribunal or, in some cases, at the recommendation of the lower court. We might possibly have both features incorporated in this, that an appeal would be granted by permission of the lower court and also at the discretion of the higher court.

Mr. THORSON: He has an appeal as of right on certain grounds and by leave only on other grounds.

Colonel TOPP: That is my point, sir.

Mr. BLACK (*Yukon*): In ordinary litigation, the appellant has to put up security for costs, and he stands the chance of being mulcted if he loses his appeal. In this case, the appellant has everything to gain and nothing to lose.

The CHAIRMAN: It has to be limited somewhere. Proceed Colonel Topp.

Colonel TOPP: A further point is, that we agree most emphatically with Colonel Thompson in his suggestion that there must be centralization in Ottawa, of whatever new machinery is established, owing to the necessity for reference to the original file, documents, and so on, as has been pointed out. However, with the adequate preparatory work which necessarily includes the completion of the district office files, by making them a counterpart of the head office files, a great deal of work could be done in the district by the travelling board. I answered Mr. Thorson by stating that I feel, in 50% of the cases a judgment could be given in the district on the basis of this completed file.

Mr. THORSON: Would there be any difficulty about providing a duplicate file in the district where a case is being heard by the travelling board?

Colonel TOPP: I think not, sir, because at the present time the Federal Appeal Board is hearing cases that way; they are completing the district files and it would mean simply enlarging the staff for doing that work.

Mr. THORSON: The complete district file must be available to counsel who is preparing the applicant's case.

Colonel TOPP: Yes, exactly.

Mr. THORSON: Before he can properly prepare the applicant's case.

Colonel TOPP: Exactly.

Mr. THORSON: And that must be done before the hearing in the district.

Colonel TOPP: We do have a little difficulty sometimes because new information comes in to head office in the intervals between the time of completion of the district office file, and the time the case is heard, but we have measures which reduce that to a minimum.

Mr. ADSHEAD: What measures?

Colonel TOPP: What I mean by that, we have an arrangement with the Department of Pensions and National Health whereby, in a case that has been set down for hearing, and some new information comes in, they immediately

let us know. A further point in that regard is that production of the district office file, at the hearing of the case, is very important because not infrequently original documents are found on the local file. It is quite a common occurrence in our experience, in hearing a case on the road, in turning over the district file, to find old medical certificates, and application for treatment in the first year of post-discharge, when free treatment was provided, for every one, documents have not been sent on to Ottawa.

The CHAIRMAN: Why were those documents not sent on to Ottawa?

Colonel TOPP: Purely in error, sir. The Department has issued very strict instructions that nothing of an original nature shall be retained on the local file, but notwithstanding that in some cases those original documents are found. We were in Hamilton recently, and out of fifty cases heard in a week, I think in six cases pensions were awarded on the basis of new information found on a file which was put away in a sub-office in Hamilton, that had never been combined with the main district file.

Mr. ADSHEAD: Do you find many of that kind?

Mr. THORSON: He said six.

Mr. MACLAREN: Sometimes the district files have more information available than those at headquarters.

Colonel TOPP: In those particular cases, yes. The important information on both those files must be available at the hearing wherever it takes place. In any scheme for reorganization of administration of pensions, we consider it absolutely essential that the right of personal appearance of the appellant shall be regarded as fundamental. Our experience indicates that too much stress cannot be placed upon this principle.

Mr. ADSHEAD: When his case is first heard?

Colonel TOPP: When it is heard, whatever authority may be handling the case, the applicant must be in attendance.

Mr. ADSHEAD: At the first hearing.

Colonel TOPP: When it is heard, by whatever authority; that will facilitate the hearing.

Mr. ADSHEAD: The first hearing?

Colonel TOPP: Yes.

The CHAIRMAN: Just to clear up that point for Mr. Adshead: when you say that, you mean it is essential that the personal attendance of the applicant is made at the first hearing when his claim is in dispute.

Colonel TOPP: Yes, sir.

The CHAIRMAN: You do not propose that every time there is a formal application for pension by, or on behalf of the man there must be a personal hearing.

Colonel TOPP: By no means.

The CHAIRMAN: An application for pension on behalf of a pensioner for a new born child, there is absolutely no necessity for a personal hearing on that.

Colonel TOPP: Absolutely no; merely those cases, as you say, in dispute.

Mr. ADSHEAD: Is it not a fact that when the Board of Pension Commissioners turn down a claim, they advise the applicant to appeal his case?

Colonel TOPP: Invariably, sir, and may I add that they do not all appeal, by any means.

Mr. ADSHEAD: No.

Mr. ILSLEY: They simply point out that they have right of appeal.

Mr. THORSON: They do not, strictly speaking, advise them to appeal; they point out that they have the right to appeal.

Colonel TOPP: They point out that they have the right to appeal.

Mr. THORSON: And point out the right they have to put in new evidence?

Colonel TOPP: I would not go so far as to say that, sir; they may in some cases, but I think the sentence they usually use is this: "The man has a perfect right to lodge an appeal with the Federal Appeal Board, should he choose to take such a step."

Mr. ADSHEAD: That is suggestive, is it not?

Mr. McLEAN (*Melfort*): It is informative, rather.

Colonel TOPP: In these two cases this suggestion was acted upon.

Mr. ADSHEAD: Then the Federal Appeal Board would sit and decide whether there was a right to appeal after this suggestion had been made, by the Board of Pension Commissioners.

The CHAIRMAN: It is not likely that the Board of Pension Commissioners would tell anyone they had the right to appeal when the appeal was not in the jurisdiction of the Federal Appeal Board. I do not think you will find the Board of Pension Commissioners making that mistake.

Colonel TOPP: They give that information only where there is a right of appeal, under the law.

Mr. MACLAREN: Do you not think an applicant should appear whenever possible, in any case? He cannot tell whether there is going to be a dispute or any doubt about it until the case is actually heard.

Colonel TOPP: No, sir.

Mr. MACLAREN: You would have to halt all proceedings if there was any difficulty, and send for him. Do you not think the claimant should be present whenever reasonably possible?

Colonel TOPP: I must confess, sir, that I think it would only be doing unnecessary work to try to arrange for any personal appearance until it is clear that that claim is not going to be admitted by the Commission under its ordinary procedure. I would rule out every bit of work that you possibly can right here in Ottawa, from the documents without any formality whatever, and once that has been completed, do all you possibly can to give the man personal appearance at his next hearing.

Mr. ADSHEAD: In those six cases, where you found material in the district place, if those men had not appealed they would not have got that information before the Board of Pension Commissioners.

Colonel TOPP: That is quite true.

The CHAIRMAN: Proceed, Colonel Topp.

Colonel TOPP: There has been some discussion, regarding assessment appeals, and in our judgment, of permanent awards. I cannot see where it would be possible, without a huge machine, to handle assessment appeals, at least to an independent tribunal.

Senator GRIESBACH: It would mean complete duplication of the Pension Board machinery?

Colonel TOPP: It would mean duplication all along the line, but in the Imperial practice they have a means of making what they call final awards. They make final assessment, and from that final assessment the applicant has no right to appeal.

Mr. THORSON: Is that assessment open to review thereafter?

Colonel TOPP: It is not open to review.

Senator GRIESBACH: That is a finality.

Colonel TOPP: That is a finality and therein lies a serious weakness.

Mr. THORSON: So, in the case of a man whose disability considerably increases after that final award, there is no machinery under the Imperial system available to enable him to have his case reopened.

Colonel TOPP: None.

Senator GRIESBACH: And conversely, if his disability disappears and he gets better, he continues to draw the same pension?

Colonel TOPP: Yes.

Mr. THORSON: We do not have those final awards. I do not think the soldiers would want them.

Colonel TOPP: No.

Mr. MACLAREN: It is only in irreparable cases; it is a very much restricted class, is it not?

Colonel TOPP: Yes.

Colonel BELTON: Loss of limbs, in particular.

Colonel TOPP: Or the loss of an eye, or the loss of the sight of an eye.

Mr. THORSON: What about disease cases?

Colonel TOPP: Sometimes they have it in disease cases, and that is where the difficulty arises.

Mr. THORSON: There is no difficulty in an amputation case in fixing an award permanently.

The CHAIRMAN: Are you making the suggestion that we should consider the making of permanent awards?

Colonel TOPP: No, but I am offering the suggestion that the Appeal Board is doing the assessment of appeals on behalf of the Imperial government, and that is where our knowledge of this work comes in.

Mr. THORSON: But only in respect of final awards?

Colonel TOPP: Only in respect of final awards.

The CHAIRMAN: And we have no final award cases in Canada.

Colonel TOPP: There are no final award cases in Canada, that I know of, though I believe there are a good many so-called permanent pensions.

Mr. ILSLEY: But is your position that until we adopt the principle of final awards you are not in favour of appeals on assessment?

Colonel TOPP: That is so, sir.

Hon. Senator BELAND: Colonel Topp, will you cite a few cases of disability where a permanent award may be made?

Colonel TOPP: Might I turn that question over to Doctor Belton, who is very much more familiar with the medical side of it than I am?

Hon. Senator BELAND: It seems to me there would be very few.

Colonel TOPP: I would think, offhand, that there would be very few.

Mr. BLACK (*Yukon*): The loss of sight or the loss of both eyes.

Hon. Senator BELAND: Even then, you do not know what the complications may be in the brain.

Colonel BELTON: The loss of a limb or the loss of fingers or of a hand; but, as Doctor Beland says, some trouble may arise in the scar, and I would think that might be looked upon as a new cause entirely.

Mr. THORSON: Under the British system there would be no possibility of getting a new pension because of a new trouble arising.

Colonel TOPP: Possibly, but I do not think that would apply in our own system.

The CHAIRMAN: I do not think we could ever arrive at any permanent pensions.

Mr. McLEAN (*Melfort*): Would not a combination of loss of sight and some other of these disabilities be a good cause?

Mr. ILSLEY: No appeal would be required in those cases.

Colonel TOPP: I have only one other point, and it is a repetition. I want to say again that I cannot help feeling that some criticism of the soldiers' adviser service has been undeserved. They have had an extremely difficult task to contend with; and in many, many cases they have been able to bring real benefit to applicants.

Hon. Senator BELAND: One question, Colonel Topp, please. How many members are there in the Federal Appeal Board?

Colonel TOPP: There are six members at the present time, sir.

Hon. Senator BELAND: What is the quorum?

Colonel TOPP: Three, sir.

Hon. Senator BELAND: Do you travel in separate boards, generally, at the same time?

Colonel TOPP: In the nearby centres, we follow a system of having one quorum of three sitting all the time, with the personnel changing each week. In the more distant centres, we divide into two quorums of three, and while one quorum is in session, say, out in British Columbia, the other quorum is in session somewhere else.

Hon. Senator BELAND: And with two boards your work has accumulated to an extent that you cannot keep up with it?

Colonel TOPP: It has, sir, absolutely. I have here a statement which is very recent, and it gives our record each month since November last—for five months. (Reading):

	Received	Heard
October..	302	227
November..	275	177
December..	276	285
January..	241	316
February..	445	342
March..		

And I may say that we have been working during the last year at a rate that we could not continue with the present personnel. We have heard some criticism from our friends of the Legion on the score that we were going too fast. We have been hearing some fifteen appeals daily, and that is not only quite an undertaking—

The CHAIRMAN: Fifteen, by the two boards?

Colonel TOPP: No, fifteen by each board. Each quorum has been hearing fifteen appeals; and a lot of time has been consumed in travelling, although in this period which is under review particularly, we have been confining our work very largely to Ontario, where the largest accumulation exists. And, hearing appeals at that rate, bearing in mind that you have the man before you and you have to bring a more or less fresh mind to the consideration of each case, it is quite an undertaking and it is also an extremely difficult matter for the official soldiers' adviser to jump from case to case and present them one after another and to do it adequately.

May I say this, too, sir, in regard to the accumulation, that the accumulation of work is almost entirely confined to three centres, Montreal, Toronto and Winnipeg. In no other part of the country is there any considerable

accumulation of work awaiting the Appeal Board. Perhaps two or three weeks of sittings in any other place would clean up the work. And I can go further than that and say, that so far as Montreal and Toronto are concerned, a good many of the cases now listed as appeals will ultimately prove to be either obviously weak cases or will possibly never be heard at all. Mr. Bowler perhaps can advise the committee about that. But the important task, so far as appeals are concerned, is right here in Ontario. There are something like 1,200 appeals in the district of Toronto alone awaiting attention.

Hon. Senator BELAND: May I, Colonel Topp, just for one moment try to sum up what you have said in regard to the number of appeals? Do we understand that 21,000 different communications with the intention of appealing have been made with your Board?

Colonel TOPP: Yes, sir.

Hon. Senator BELAND: One thousand you must deduct as being Imperials.

Colonel TOPP: That is so.

Hon. Senator BELAND: You can leave them aside. Then 4,000 were beyond your jurisdiction, outside your jurisdiction.

Colonel TOPP: Yes, sir.

Hon. Senator BELAND: And we deduct that.

Colonel TOPP: Yes, sir.

Hon. Senator BELAND: Four thousand have not been heard?

Colonel TOPP: That is so, sir.

Hon. Senator BELAND: That leaves us 12,000. Now, out of these 12,000, 8,500 or thereabouts have been turned down—refused.

Colonel TOPP: Yes, sir.

Hon. Senator BELAND: That leaves us with 3,500 as a residue.

Colonel TOPP: Yes.

Hon. Senator BELAND: Wherein a favourable award has been given, and out of these 3,500, 1,500 are cases where new evidence having been adduced you have referred them to the Pensions Board and a pension has been awarded by them.

Colonel TOPP: That is so, sir, with this exception, that those cases have not all been referred necessarily directly by the Appeal Board to the Board of Pension Commissioners. They have been referred from some other quarter; but in any event they are cases in which an appeal was entered with the Federal Appeal Board and where an award was made before the appeal was finally heard.

Hon. Senator BELAND: So that in about 2,000 cases, so far, you have reversed the decision of the Pensions Board as to attributability.

Colonel TOPP: That is quite right, sir.

The CHAIRMAN: All right, thank you, Colonel Topp.

Witnesses retired.

The CHAIRMAN: I have here a letter from the Chief, Official Soldiers' Adviser, addressed to me as Chairman of this committee. (Reading):

OTTAWA, April 9, 1930.

Major C. G. POWER, M.P.,
Chairman, Special Committee on Pensions and
Returned Soldiers' Problems,
House of Commons,
Ottawa.

My DEAR SIR,—With the permission of the Honourable the Minister, I am submitting the attached report on soldiers' advisers for the information of the committee.

Yours truly,

(Signed) R. G. MACDONALD,
Chief, Official Soldiers' Advisers.

This is a report addressed to Dr. King, dated April 9, 1930, and with the permission of the committee I will have this printed as an appendix to the proceedings. If we wish to hear the Official Soldiers' Adviser at a later date, he will be at our disposal.

Mr. BLACK (*Yukon*): Where is the Chief Official Soldiers' Adviser situated?

The CHAIRMAN: In Ottawa.

Mr. BLACK (*Yukon*): Does he control the other soldiers' advisers?

The CHAIRMAN: Yes, I think we should hear him.

Colonel LAFLECHIE: I should like the committee to hear Mr. Bowler for a moment.

Mr. BOWLER: Mr. Chairman, I should explain first, that I have been the Official Soldiers' Adviser in the province of Manitoba for the past six years, until quite recently. I perhaps ought to tell you that since 1915 I have been a barrister and solicitor in the province of Manitoba. You may well imagine that I have been considerably interested in the discussion concerning the work of soldiers' advisers, and particularly so in regard to the criticisms which have been made.

Mr. THORSON: Much of which has been unfair.

Mr. BOWLER: I do not wish to say that, but I think this is true, that a clear inference has been created before this committee and perhaps in the minds of this committee that the failure of the machinery for adequate preparation and presentation is largely due to the inefficiency and inadequacy of the soldiers' advisers themselves. I certainly cannot accept that criticism as applying to myself, if you will permit me to say so, sir.

The CHAIRMAN: We will give you a clean bill of health.

Mr. BOWLER: And, to be fair, from what I know of the other soldiers' advisers, which is not a great deal, I do not think they should be condemned in such wholesale fashion without a much more thorough investigation of their difficulties than this committee has had up to the present time. Perhaps the situation of the Board of Pension Commissioners might be used as a parallel. The Pensions Board have been very largely condemned for something which we now find is largely due to inadequate facilities, inadequate machinery; and I suggest to you that if you examine the problem of the soldiers' advisers, you will probably come to a similar conclusion, and that in the large majority of

cases you will find that the Official Soldiers' Advisers have conscientiously and energetically endeavoured to do their best under the difficult circumstances under which they labour.

I do not know, sir, whether you wish me to embark upon the history of our origin and work and development. Perhaps it would be better, if any of the members of the committee would care to do so, that I should be questioned in regard to it.

The CHAIRMAN: I think perhaps we had better put that over until another day, as Mr. Speakman has a matter of some importance to bring before the committee to be settled to-day.

Mr. THORSON: At any rate, we will have the benefit of having read the report of the Chief Soldiers' Adviser, and perhaps will be in a better position to go into the whole subject more fully later on.

Mr. BOWLER: May I add one brief statement, sir. In my own district and so far as I know in other districts it has always been the policy to exhaust every possible avenue before bringing a case to appeal. The appeal is the last resort. You take your case there when the applicant either can not or will not get any further evidence. The accumulation of cases in the large centres particularly—I know about it in my own district—is due to the fact that the cases are not ready for presentation and are therefore being held up until the evidence is obtained or until the soldiers' adviser can no longer refuse to place them before the Board, because of criticism on the ground of delay.

The CHAIRMAN: Is it not, sir, largely the fact that the lack of preparation is due to the man himself?

Mr. BOWLER: In very many cases that is so.

Mr. THORSON: I move, Mr. Chairman, that Captain Wilkinson be called.

CAPTAIN BROWN WILKINSON called.

By the Chairman:

Q. Captain Wilkinson, will you tell us whether the statements made by Colonel LaFlèche up to the present, as representing the associated veterans' bodies, meet with your approval?—A. Absolutely, sir.

Witness retired.

Colonel LAFLÈCHE: May I make a statement before you finish, on another matter, Mr. Chairman?

The CHAIRMAN: Now, Colonel LaFlèche.

Colonel LAFLÈCHE: I should like to say a few words on two subjects. The first is in connection with what we know so well by the name of machinery. The committee yesterday desired that I speak on the subject of machinery after the Easter recess. I shall be fully prepared to do so, when the time comes; but I do feel that I should record now in a few words, a very rough outline of what I shall press for, and this has been more or less expressed by us previously.

We will try to show the gentlemen of your committee, sir, that we are desirous of satisfying the minds of the men and of the country, that the claimants for pensions shall have had a full and complete and sympathetic hearing, in contrast to going out primarily for a larger number of awards of pensions.

We do not appear before you, gentlemen, to ask you to provide machinery to grant more pensions. We do very respectfully and earnestly ask you to devise machinery which will in effect remove any cause for dissatisfaction on the part of the claimant and the public on the ground that his case was hurriedly or incompletely heard. We shall try to cover the following points: First, a com-

plete preparation of the case. We have already mentioned that several days ago, and it has been mentioned since then, of course. Then, a full and complete hearing of the case with necessary provision for appeals. We would also like to make provision that the claimant be present in person, of course where necessary; there are some cases when he does not need to be there and does not want to be there.

On the question of the files I am going to try to argue, when you meet after recess, that it is quite possible and that it is altogether right that the file accompany the man and be before the court when the man is there. If I use the word "court," it has no specific significance, of course.

Mr. ADSHEAD: The hearing body.

Colonel LAFLÈCHE: Yes. Then another point which I shall try to suggest in my submissions, is some machinery whereby the benefit of the doubt may be granted, but granted safely—granted, but safely.

In effect we will ask you to base the machinery upon the Pension Commission, leaving the Pension Commission as it is and where it is; providing the other essentials, to make a complete picture, as separate and, naturally, quite independent machinery, and so on, with due provision made for the full and proper preparation of cases.

Mr. THORSON: Three schemes have been proposed, Colonel LaFlèche, one by General Ross, one by the Chairman, and one by the Chairman of the Board of Pension Commissioners. Are you prepared, at this juncture, to state what form of machinery you prefer?

Colonel LAFLÈCHE: If you think that is a fair question at this time, I will do so.

Mr. THORSON: If you are prepared to do so now.

Colonel LAFLÈCHE: I shall propose something of a cross between the first two schemes brought before this committee; that is, those of the Chairman and General Ross. Undoubtedly, something of value will be found in the next two resolutions made to this committee, by the Pension Commissioners and the Federal Appeal Board respectively.

Mr. THORSON: Will you have something concrete, then, when you come before this committee again?

Colonel LAFLÈCHE: I will have something concrete for you after the recess. May I place on record further explanatory remarks concerning the two resolutions submitted by Mr. Richard Myers, on Monday, April 7, 1930. The resolutions referred to, and the discussion thereon, may be found in the proceedings, pages 201 to 207.

It has been represented to me that these resolutions were offered solely by the Amputations Association. Such is not the case. Let me explain, that some time prior to the creation of this committee certain Dominion representatives of the several associations, now appearing collectively before this committee, met on different occasions and discussed the legislative proposals of their respective associations. The two resolutions presented by Mr. Myers last Monday were new in principle to me, but as it was quite evident that all the other associations had given them a great deal of very careful thought and consideration I readily agreed that they be included in the joint presentation.

The CHAIRMAN: The next meeting, gentlemen, will be at the call of the chair, after recess.

APPENDIX No. 8

A Review of the Operations of the Federal Board and Recommendations.

APPENDIX No. 9

**A Complete Statement of Statistics in connection with the work of the
Federal Appeal Board.**

APPENDIX No. 10

Report on Soldiers' Advisers by the Chief Official Soldiers' Adviser.

APPENDIX No. 8

MEMORANDUM RE PROPOSED CHANGES IN THE PENSION ACT SUBMITTED BY LIEUT.-COL. C. B. TOPP, D.S.O., M.C.

FEDERAL APPEAL BOARD

I. Congestion of Work

The Federal Appeal Board took office in August, 1923, with a heavy accumulation of work before it, there being no adequate appeal procedure prior to its appointment.

This accumulation, constantly growing through the addition of new appeals and re-appeals from the decisions of individual Commissioners, reached its peak at the end of 1924. In the first six months of 1925 it dropped sharply. By the end of 1925 while the accumulation was not overtaken the Board was hearing appeals at much the same rate as they were being received.

Satisfactory progress continued throughout 1926, the number of appeals heard exceeding the number received during the last three months of the year and during most of 1927.

In 1928 there was another rise in the number of appeals received due to statutory changes notably the elimination of the time limit for pension applications which brought in a flood of new appeals, and the provision for a second appeal on production of new evidence. This rise continued throughout 1929, the number received (3,616) exceeding the number heard (2,450) by 1,166.

Measures were instituted to deal with this situation and during the past six months appeals received and appeals heard have been on approximately the same level. For example, during the four months ending February 28, 1930, 1,094 appeals were received and 1,005 were heard. At present rate of progress more than 3,000 appeals would be heard during 1930. Notwithstanding this the total of appeals awaiting hearing has increased from 3,225 at March 31, 1929, to 4,307 at March 31, 1930.

Accumulated work is principally in three centres—Montreal, Toronto and Winnipeg. Sittings of a few weeks in other centres would clear up all outstanding appeals. Many of these appeals are not ready for hearing, particularly in Montreal and Winnipeg, but all must sooner or later be dealt with. The immediate problem is in Ontario, and more particularly in Toronto district.

It is quite clear that present rate of progress cannot be continued without additional personnel.

II. More Adequate Preparation

It is the opinion of the Board, based upon experience in dealing with more than 20,000 individual cases, every one of which is a rejected claim, that present unrest in regard to pensions is due primarily to incomplete preparation of claims rather than to any inherent defect in the Pension Act and can be remedied in a large measure by changes in administrative procedure by means of which some of the onus of proving a claim will be removed from the applicant and will be assumed by the State. If Parliament made no changes whatever other than to provide a means for thorough preparation of claims it would bring about far-reaching benefits to veterans and their dependents and many new pensions would be awarded without any further procedure.

Factors to be considered along the lines of the above:

- (a) That Soldier Adviser, or counsel, service be enlarged, adequately staffed and equipped.
- (b) Make it the first duty of the Adviser to build up the case for the Commission rather than for the Appeal Tribunal. No case to be brought on for appeal until certificate is made by competent authority that evidence is complete.
- (c) Provide for easier access to departmental medical service in cases where it appears that an examination or hospitalization might assist an appellant in establishing his claim.
- (d) Provide for extension of departmental investigation service for purpose of assisting applicants to procure evidence.
- (e) Appeals now pending hearing to be referred back to Soldiers' Counsel for review.
- (f) Local committee comprising Soldiers' Counsel, Pension Medical Examiner and District Administrator to check over each appeal case to decide what additional evidence is necessary, advisability of further examination, personal investigation and so on. In cases where further examination or investigation is considered by the Committee to be necessary this to be carried out by the Department.
- (g) No Counsel, however eminent, can prevent a certain number of obviously weak cases coming before the Tribunal. An original intention of establishing right of appeal was to give applicants the privilege of a public hearing of their grievances whether well founded or not. Such cases could be grouped and a considerable number dealt with in a very short time.
- (h) More informative correspondence when claim is first submitted to Pension Board—carefully written personal letters rather than form letters.

III. New Machinery

- (a) Principle of the plan submitted by the Chairman of the Committee is in my personal view more in line with the intention of present inquiry than either of the other plans suggested, in that it retains the right of appeal to an entirely independent Tribunal. This right was granted by Parliament in 1923 and was one of the most important changes made in Canadian Pension Law since the Pension Act came into force. A plan which would place the whole of the judicial procedure, including appeals, under an enlarged Board of Pension Commissioners would be a departure from the very important principle of an independent court of re-hearing. The alternative suggested by Colonel Thompson—a separate independent Appeal Court sitting in Ottawa—would probably meet this point.
- (b) In any scheme for re-organization of administration of pension we consider it absolutely essential that the right of personal appearance of the applicant shall be regarded as fundamental. Our experience indicates that too much stress cannot be placed upon this principle.
- (c) Centralization in Ottawa of whatever new machinery is established is essential owing to necessity for reference to original files and documents. However, with adequate preparatory work, which necessarily includes completion of the District Office file by making it the counterpart of the Head Office file, a great deal of the work could be done in the District by the Travelling Board. Production of District Office files at the hearing is very important because not infrequently original documents are found on the District files.

- (d) Finality of decisions should be provided for. Appeals from findings of Travelling Boards to be by leave only, otherwise every case will be appealed.
- (e) It is obvious that the Board of Pension Commissioners cannot give personal attention to the tremendous volume of work before it without additional personnel. It necessarily depends on a precis in a large measure under present conditions and this is unsatisfactory.

IV. Assessment Appeals

In our judgment assessment appeals would be practicable only in respect of permanent awards. The Federal Appeal Board at the present time deals with such appeals on behalf of the Imperial Government.

V. Soldiers' Advisers

These officials have done valuable work but have been handicaped by lack of staff and other facilities. Their work has been responsible for a very large number of adjustments, apart entirely from appeal procedure.

APPENDIX No 9

FEDERAL APPEAL BOARD—GENERAL STATISTICS

(Month ending March 31st, 1930).

	Item Totals	Group Totals
AWAITING FURTHER INFORMATION—		
New cases.....	211	
Cases under correspondence.....	202	
Appellants' addresses unknown.....	301	714
CASES OUTSIDE JURISDICTION OF BOARD—		
Assessment claims.....	1,745	
Dependants' claims.....	175	
Marriage after appearance of disability.....	37	
Improper conduct.....	332	
Statute barred.....	79	
Miscellaneous.....	1,650	4,018
RE-OPENED BY B.P.C. BEFORE HEARING.....		1,237
AWAITING HEARING—		
Official Soldiers' Advisers not ready to proceed.....	1,379	
Ready for hearing.....	2,926	
Set for hearing.....	126	4,431
AWAITING JUDGMENTS—		
Ordinary cases.....	541	
Adjourned cases.....	119	660
SETTLED BY A QUORUM—		
Allowed.....	1,844	
Disallowed.....	6,333	
Ruled no jurisdiction.....	18	
Appeal withdrawn before judgment.....	4	
Reopened by B.P.C. before judgment.....	87	8,286
SETTLED BY ONE COMMISSIONER—		
Allowed.....	43	
Disallowed.....	69	
Ruled no jurisdiction.....	15	
Reopened by B.P.C. before judgment.....	17	144
SETTLED BY A QUORUM ON REAPPEAL—		
Allowed—1 Commissioner, confirmed.....	66	
“ —1 Commissioner, reversed.....	74	
Disallowed—1 Commissioner, confirmed.....	270	
Dissallowed—1 Commissioner, reversed.....	19	
Quorum—Judgment outstanding.....	1	430
Grand total.....		19,475
(Less Imperial and Meritorious Claims).		
MERITORIOUS CLAIMS—		
Awaiting hearing.....	23	
Awards.....	29	
No awards.....	404	456
IMPERIAL APPEALS—		
Awaiting hearing.....	20	
Settled.....	997	1,017

APPENDIX No. 10

DEPARTMENT OF PENSIONS AND NATIONAL HEALTH

OTTAWA, April 9, 1930.

Major C. G. POWER, M.P.,
Chairman, Special Committee on Pensions and Returned Soldier Problems,
House of Commons, Ottawa.

DEAR SIR,—With the permission of the Honourable the Minister, I am submitting the attached report on Soldiers' Advisers for the information of the Committee.

Yours truly,

K. G. MACDONALD,

Chief Official Soldiers' Adviser.

OTTAWA, April 9, 1930.

The Honourable Dr. J. H. KING, P.C.
Minister, Dept. of Pensions and National Health,
Ottawa, Ont.

SIR:—I have the honour to submit the following report on Official Soldiers' Advisers:—

Under the Soldiers' Civil Re-Establishment Act, Sec. 3 of Chapter 69, 13-14 Geo. V., provision was made for the appointment of one or more Official Soldiers' Advisers in each unit or district of the Department whose duties were "generally to advise and assist ex-members of the forces in matters pertaining to re-establishment, treatment and pension and to perform such other duties as may be prescribed by the Minister."

The Soldiers' Civil Re-Establishment Act was repealed by the Department of Pensions and National Health Act, 1928, Chapter 39, 18-19 Geo. V, and the above provision, in its original form, constitutes Sec. 7 of the latter Act.

The first Soldiers' Advisers were appointed under Order-in-Council P.C. 1928, which was approved on October 3, 1923, and the original appointees were:—

1. Charles Askwith, Ottawa.. . . .	\$ 1,800
2. V. J. Locke, Montreal.. . . .	3,600
3. H. F. Hamilton, Halifax.. . . .	2,400
4. C. H. Boudreau, St. John.. . . .	1,800
5. H. D. Johnson, Charlottetown.. . . .	1,200
6. J. R. Bowler, Winnipeg.. . . .	3,600
7. G. H. Sedger, Victoria.. . . .	2,400
8. Ian Mackenzie, Vancouver.. . . .	3,000
9. S. G. Petley, Calgary.. . . .	2,400
10. F. J. Rowan, Regina.. . . .	1,800
11. E. N. Fremlin, London.. . . .	2,400
12. A. Pettigrew, Quebec.. . . .	1,500
*J. V. Conroy, Toronto.. . . .	3,600

*Was appointed under P. C. 2132 of October 19, 1923.

Under P. C. 2353 of November 29, 1923, the following additional allowances were provided, to be applied towards clerical and office assistance:—Montreal, Toronto, Winnipeg, \$60 per month; Vancouver, \$50 per month; Calgary, London, Halifax, Victoria, \$40 per month; Ottawa, Regina, St. John, \$30 per month; Quebec, \$25 per month; Charlottetown, \$20 per month.

Under P. C. 1393 of August 19, 1925, the following salaries and allowances were increased due to increased work in the districts concerned:—A. Pettigrew, Quebec, from \$1,500 to \$1,800 per annum; allowance, from \$300 to \$360 per annum; Charles Askwith, Ottawa, from \$1,800 to \$2,000 per annum; allowance, \$360 to \$480 per annum; F. J. Rowan, Regina, from \$1,800 to \$2,400 per annum; allowance, from \$360 to \$480 per annum.

Under P. C. 200/2242 of January 4, 1926,—

The allowance of Mr. Conroy, Toronto, was increased from \$720.00 to \$1,020.00 per annum, and under P. C. 2376 of December 7, 1929, the allowance of Mr. Bowler, Winnipeg, was increased from \$720.00 to \$1,020.00 per annum.

Under P. C. 197/2242 of January 4, 1926, the salary of Mr. Hamilton, Halifax, was increased from \$2,400 to \$3,000 per annum due to an increased volume of work.

Since the original appointments there have been several changes in personnel, as follows:—

Saint John.—Alexander Machim succeeded Mr. Boudreau under P. C. 212/436—March 24, 1925.

Saint John.—Lieut.-Col. R. A. March succeeded Mr. Machim under P. C. 79 of January 22nd, 1927.

Saint John.—C. P. Hawkins succeeded Col. March under P. C. 148 of January 26, 1928, Mr. Hawkins resides at Fredericton.

Montreal.—C. E. Racette succeeded V. J. Locke under P. C. 367/2009 of Nov. 5, 1928, at a salary of \$3,000 per annum.

Winnipeg.—A. H. Yetman succeeded J. R. Bowler under P. C. 33 of Jan. 10, 1930.

There have been two additional appointments as follows:—

Under P. C. 149/1588 of August 31, 1928, K. G. Macdonald, of the Department was appointed to also act as Chief Official Soldiers' Adviser, the salary being \$4,120 per annum.

Under P. C. 2377 of December 7, 1929, E. C. Darling, Edmonton, was appointed Soldiers' Adviser for Northern Alberta at a salary of \$1,500 per annum, allowance \$300 per annum.

Assistants to the Soldiers' Advisers have been provided by the Department in Montreal, Ottawa and Winnipeg.

In 1928 the following Departmental employees were loaned to assist them in their work:—F. E. Rutland, Winnipeg; J. W. Mason, Montreal; J. A. MacIsaac, Ottawa.

Following Mr. Rutland's death, it was decided to appoint an assistant in Winnipeg by order in council, the position was therefore advertised and an examination held to select the most suitable candidate. The examining Board consisted of Mr. W. J. Spence, Registrar of the University of Manitoba, Dr. Taylor of the District Office, and a representative of the Canadian Legion.

On the Board's recommendation, H. S. Simpson was appointed under P.C. 2376 of December 7, 1929, at a salary of \$1,500 per annum.

Mr. Mason and Mr. MacIsaac are still acting as assistants in the Montreal and Ottawa offices.

The complete list of Soldiers' Advisers showing salaries and allowances as on February 1, 1930, follows:—H.O. Chief Soldiers' Adviser, K. G. Macdonald, Ottawa, salary \$4,500—France.

District	Adviser	Salary	Allowance	Service
"A" Montreal.....	C. E. Racette.....	\$3,000 00	*	England.
"A" Quebec.....	A. Pettigrew.....	1,800 00	360 00	Canada.
"B" Halifax.....	H. F. Hamilton.....	3,000 00	480 00	England.
"B" Charlottetown.....	H. D. Johnson.....	1,200 00	240 00	France.
"C" Ottawa.....	Chas. Askwith.....	2,000 00	*	England.
"D" Toronto.....	J. V. Conroy.....	3,600 00	1,020 00	England.
"F" London.....	E. Fremlin.....	2,400 00	480 00	France.
"G" Winnipeg.....	A. H. Yetman.....	3,600 00	1,020 00	France.
"G" Winnipeg.....	H. S. Simpson.....	1,500 00		France.
"H" Regina.....	F. J. Rowan.....	2,400 00	480 00	France.
"I" Calgary.....	S. G. Petley.....	2,400 00	480 00	France.
"I" Edmonton.....	E. C. Darling.....	1,500 00	300 00	France.
"J" Vancouver.....	Ian Mackenzie.....	3,000 00	600 00	France.
"J" Victoria.....	G. H. Sedger.....	2,400 00	480 00	England.
"K" Saint John.....	C. R. Hawkins.....	1,800 00	360 00	France.

* Provided with stenographer by the Department.

The total Soldiers' Adviser expenditures to December 31, 1929, were \$269,347.09; for the fiscal year 1928-29, \$44,788.21, and for the 9 months from April 15, 1929, to December 31, 1929, were \$33,088.35.

The legislation under which Soldiers' Advisers are appointed was the result of recommendation of the Royal Commission on Pensions and Re-Establishment of 1923 under the chairmanship of Lieut-Col. the Hon. J. L. Ralston, C.M.G., D.S.O., it being recommended in the First Interim Report in the second part of the investigation as follows:—

- (f) The appointment of an Official Soldiers' Adviser in each D.S.C.R. Unit to assist applicants in the preparation and presentation of their claims.
- (g) The applicant to have the right to appear personally if he so desires, but at his own expense, to be assisted by counsel or other representative other than Official Soldiers' Adviser.
- (h) For the purposes of preparing the case, the Soldiers' Adviser to have reasonable access to the applicants' personal file, in the presence of a D.S.C.R. Official.

MEMORANDUM 1.

Provision for the appointment by the Governor General in Council of ex-service men to act as Soldiers' Advisers in each D.S.C.R. District, each appointee to be selected from at least four nominees of the Councils of the Dominion Veterans Alliance of the Province composing the territory of the Province composing the territory of the D.S.C.R. Unit, acting jointly.

Section 7, of Chap. 39, 18-19 Geo. V. provides as follows:—

7. The Governor in Council may, on the recommendation of the Minister, appoint at such salary or remuneration as may be decided in each case, in each unit or district of the Department, one or more ex-members of the forces, to be known as Official Soldiers' Advisers, whose duties shall be generally to advise and assist ex-members of the forces in matters pertaining to re-establishment, treatment and pension, and to perform such other duties as may be prescribed by the Minister.

POLICY

1. *Duties.*—Throughout the proceedings of the Ralston Commission there was a close relationship apparent between the proposed Soldiers' Adviser or advocate and the proposed Appeal Tribunal. Also the amendment to the Soldiers' Civil Re-Establishment Act under which Soldiers' Advisers are ap-

pointed was passed concurrently with the amendment to the Pension Act (Sec. 10, Chap. 62 of 13-14 Geo. V.) under which the Federal Appeal Board was created.

It seems apparent therefore that the primary function of a Soldiers' Adviser is to Act as counsel or representative of the ex-service man before the Federal Appeal Board. It is apparent also that the intention was not to limit his duties to appeal work or to pension questions, but that his duties were to extend to advising ex-service men on treatment or any other question arising in relation to service in the forces. This intention is fully covered by the broad provisions of Sec. 7 of the Act quoted above.

The Department has always admitted the principle that the work of the Advisers was not limited to appeals or pension work.

Two conferences were held in the fall of 1923. The Eastern Advisers meeting at Ottawa and the Western Advisers at Winnipeg.

While there is little on record with regard to these meetings, the Honourable the Minister appears to have broadly outlined the duties. The following quotation from a letter, dated January 5, 1924, written by the Deputy Minister to the Soldiers' Adviser, Vancouver, in reply to a query indicates the policy of the Department at that time:—

While in a general way the duties of soldiers' advisers call for the assisting of ex-soldiers in putting their cases before the Board of Appeals, you are quite right in stating that the Honourable the Minister at a conference in Winnipeg and elsewhere, indicated that they would have the privilege of assisting ex-soldiers along other lines in connection with their dealings with either this or other Departments. There is certainly no objection on the part of the Department, to your conducting cases before medical boards where assessment appeals are being considered, any more than there would be objection to your appearing with an ex-soldier making his first application for pension, treatment, etc. Your appointment carries with it the full confidence of the Department, and within the limits of the undertaking you have forwarded to the Honourable the Minister, you are granted the right to deal with cases of any nature whatsoever.

On my appointment, Mr. Bowler and myself conferred with the present Deputy Minister and the Assistant Deputy Minister on certain questions of general policy, and this particular policy was reaffirmed.

2. *Method of Appointment.*—The method of appointment as recommended by the aforementioned Memorandum 1 of the Commissioners' report has been generally adhered to in principle. The Dominion Veterans Alliance of course is no longer in existence but the appointments made from time to time have been made by the Honourable the Minister on consideration of the names submitted by the Veterans Organizations as constituted at the particular time.

The original appointments under P.C. 1928 and the appointment of Mr. Conroy, Toronto (P.C. 2132), and Mr. Machum, St. John (P.C. 212/436) were all made on consideration of names submitted by the Dominion Veterans Alliance.

Lieut.-Col. R. A. March, St. John (P.C. 79), and C. R. Hawkins, Fredericton (P.C. 148), were appointed on consideration of names submitted by the New Brunswick Branch of the Canadian Legion.

C. E. Racette, Montreal (P.C. 367/2009), was appointed on recommendations of the Quebec Provincial Council of the Canadian Legion.

E. C. Darling, Edmonton (P.C. 2377), was appointed on recommendations submitted by the Alberta Branch of the Canadian Legion.

H. C. Simpson, Assistant Soldiers' Adviser, Winnipeg (P.C. 2376), qualified for the position by examination as previously mentioned.

A. H. Yetman, Winnipeg (P.C. 33), was selected from nominations of The Canadian Legion, The Army and Navy Veterans' Association, and the Guard's Association, all of Winnipeg (P.C. 33, January, 1930).

Ian Mackenzie, Vancouver (P.C. 1928), resigned on June 5th, 1928, but was reappointed under (P.C. 368/2009), of November 5, 1928. This Order in Council does not set out any recommendations, but it appears that the reappointment was concurred in by the Provincial Executive of the Canadian Legion at a meeting held on September 21, 1928.

The Chief Soldiers' Adviser (P.C. 149/1588), was not appointed on recommendations of the Veterans Organizations as it was considered, I understand, that the position should be filled by someone within the Department.

3. *Status*.—Soldiers' Advisers are retained by the Department on a part time basis. This means that their hours are not fixed but are regulated by the demands made upon them by claimants, or veterans seeking advice, and they may also carry on their private business or practice, as the case may be. Section 1 of the Regulations is quoted below:—

(1) *Quarters, office hours, and discipline*.—They are employed on a part-time basis. They will find their own office accommodation outside the offices of the Department. Their office hours will not be fixed. They must conform generally to Departmental Regulations particularly in respect of office routine and accounting matters. They will be responsible to U.D.'s of A. for the observance of office discipline when in the offices of the Department.

Briefly the policy of the Department has been to give effect as far as possible to the intention to be gathered from the proceedings of the Ralston Commission.

The Advisers have been completely independent of the Department with regard to their activities on behalf of the veterans and have been accorded reasonable access to the Department's files. They have all expressed appreciation of the co-operation and assistance rendered them by officials of the District Offices.

Their undertaking requires that they respect the confidential nature of information contained on the files and only make such disclosures as may be necessary in order to adduce evidence in support of a claim. The information on the files is only confidential as to its nature for the purpose of protecting the man himself, and as to its source, for the purpose of protecting those who provided the information under the protection of the confidence of the Department. A Soldiers' Adviser may discuss the nature of the information with any doctor or other person provided he has the man's approval, but he may not discuss the source of such information with anyone.

The Regulations in force deal only with matters in which the Department is itself interested such as files, equipment, travelling and other expenses and certain records. Section 4 of the Regulations provides as follows:—

(4) *Access to Departmental files*.—They will not have the privilege of drawing files from the Departmental Registry, but soldiers' files, of cases referred to them by the Federal Appeal Board or respecting which the Adviser holds the written authority of the man or dependent concerned to examine relative documents, shall be made available for their examination in the presence of a responsible officer of the Department nominated for that purpose by the U.D.A. Subject to these provisos suitable facilities for the inspection of files will be accorded them by the U.D.'s. of A.

4. *Records*.—In view of the fact that their duties are regarded as part time only and also in view of the fact that interviews, correspondence, travelling and the preparation of claims in most cases makes heavy demands on this time, it has not been the policy of the Department to require that they keep or furnish detailed or extensive records covering all their activities.

The only records required by the Department therefore are monthly reports showing the number of men interviewed and the amount of out-going correspondence. These reports are submitted to the respective District Offices. Section 5 of the Regulations provided as follows:—

(5) *Record and report of activities.*—Each Adviser will keep a careful record of every case dealt with, (a) by correspondence, (b) by interview, and will submit a completed report in respect of such cases to the U.D.A. concerned at the end of every month.

5. *Travelling.*—Facilities have been provided to allow an Adviser to travel where claimants or witnesses reside at distances from his office, and when he considers personal interviews in the interest of the claimants.

Provision had to be made, however, against possible unnecessary travelling and also for the submission of expense accounts in a form similar to that used by others whose duties require them to travel at public expense.

Sections 6 and 7 of the Regulations provide for travelling:—

(6) *Railway transportation.*—Should an Adviser consider it necessary to travel to an outside point and require railway transportation he must submit a statement to the U.D.A. showing the regimental numbers and names of the men he proposes to interview, a list of the appointments he has made, and a statement as to the length of time he intends to be away from his office. The U.D.A. may then issue the necessary warrant.

(7) *Travelling expenses.*—Expense Accounts in respect of journeys authorized, as in 6 above, which are submitted in accordance with and conform to the requirements of Chapter 16, Section 9, may be paid. The Expense Claim on S.C.R. Form 17, should contain a list of the regimental numbers and names of the men interviewed to whose cases expenses so incurred may be allocated. The statement of completed interviews submitted as in 6, and the statement of completed interviews, embodied in the Expense Claim, should agree with the monthly report submitted to the U.D.A. in conformity with 3, above.

6. *Equipment.*—Certain equipment is supplied under Section—

(8) *Equipment and supplies.*—Each Adviser may be supplied with (a) a small filing cabinet for these private files and daily copies, (b) a typewriter, and (c) necessary stationery. He will sign for such equipment and supplies as furnished and will be responsible therefor.

7. *Out of Canada cases.*—Owing to the large number of ex-members of the C.E.F. now resident in foreign countries, particularly in the U.S.A. some provision was necessary in order that their claims might be adequately prepared and presented to the proper authorities.

It was decided that the best way to have these claims dealt with would be by the Soldiers' Adviser, Ottawa, owing to his being in close touch with the Head Office of the Department, of the Board of Pension Commissioners and the Federal Appeal Board and thereby having ready access to the files. In some cases where a man living near the border is able to get in personal touch with one of the other Soldiers' Advisers it is possible to have his claim dealt with by that Adviser and, if an appeal, to have the case listed for hearing in that district if the man desires to appear personally before the Board. In a case of that kind the information at Head Office is made available to the Adviser. These cases arise chiefly in Western Ontario and centre on Windsor which is in Mr. Fremlin's District.

8. *Other representatives.*—Any Veteran may at his own expense be represented by counsel or other person. Such representative must of course have written authority from the man to see his file. He may have access to the file

on the same conditions as a Soldiers' Adviser on giving a written undertaking to respect the confidential nature of the information. In the case of counsel or other representatives, however, authority to see a file will not be given without the approval of the Deputy Minister.

Circular Letter No. 1949 contains the following instruction to District Administrators:—

Should an appellant desire that his case be handled by counsel or representative other than the Official Soldiers' Adviser, authority for such counsel or representative to see the file in the presence of a representative of the Department of Soldiers' Civil Re-Establishment will only be given after receipt of approval by the Deputy Minister. Recommendation will be forwarded to Head Office by the Unit Director of Administration. The conditions respecting the production of files to the Official Soldiers' Advisers shall also apply to any other representatives.

CHIEF OFFICIAL SOLDIERS' ADVISER

1. *Object of Appointment.*—It was considered by the Department that there should be a Head Official to co-ordinate and control the work being done by the various Soldiers' Advisers, as far as this would be possible without depriving them of any of the independence necessary to retain the confidence of the men.

2. *Duties.*—Several conferences were held to consider matters of general policy and instructions to be followed. It was decided that the duties should not include the preparation and presentation of cases for hearing by the Federal Appeal Board but should be directed towards,—

1. Bringing the Advisers in closer touch with Head Office and providing them with assistance and information which could be more readily obtained by a representative of the Advisers as a body at Head Office. In other words, to provide personal contact with the Headquarters of the Department and the two Boards.

2. Reviewing the Soldiers' Adviser situation generally and making suggestions or recommendations for improving the service and co-ordinating the work as far as possible.

It was suggested that, as a preliminary step, all Soldiers' Advisers should be provided by the Department with Office accommodation on Departmental premises in order that they might have quicker recourse to files, and also to facilitate a closer supervision.

In February 1929, I completed a round of different districts for the purpose of getting acquainted with the Advisers, observing conditions in their offices and learning of their difficulties. Following this trip, certain recommendations were made.

During the course of this trip, two things struck me forcibly:—

1. The fact that while the position of a Soldiers' Adviser is termed part time, and, while in some cases it can be handled on that basis, it is in fact, a full time position in a large number of cases and the demands made upon the time of some of the Advisers is such that they have little or no time to devote to any other calling.

2. That owing to the fact that some Districts require full time services while it is not necessarily required in others, the task of forming all the Advisers into a co-ordinate body would be difficult and would require, to a certain extent, the sacrifice of some of the individual independence which they now enjoy as part time advisers.

Generally speaking, I found the Advisers to be conscientious in their efforts to assist the veterans and found few signs of dissatisfaction with their work.

It is well known that the majority of appeal cases are necessarily disallowed under present legislation and that there are many claims other than appeals which cannot be established.

The failure of an appeal will in many cases produce resentment on the part of the appellant and many of them unfamiliar with pension law will say 'if I had retained a lawyer, I would have won my case.'

This is a situation which I think all Soldiers' Advisers encounter and which must be borne in mind when considering any complaints.

3. *Departmental offices.*—There appeared to be three objections to laying down a general rule that Advisers should carry on their duties on the premises of the Department.

(1) The sentiment of returned men might be against it. It might appear, at least to some, that an Adviser taking an office in a District Office would be subordinating himself to the District Administrator, and would be sacrificing a large measure of the independence considered necessary to prosecute their claims against the Department and the two Boards. In other words, it might appear that he had been "bought by the Government."

(2) In some centres the District Office is some distance from the city and in these centres, apart from any other consideration, it would appear inadvisable to move the Advisers from their present established offices. This would apply to Vancouver, Toronto and London. It will also apply to Winnipeg when the District Office is moved to Deer Lodge.

In New Brunswick the District Office is in St. John and the Adviser lives in Fredericton, visiting St. John periodically.

(3) The part time question arises here again. There are at present five lawyers and one doctor amongst the Advisers. These men have their own offices and cannot be expected to move as long as they are maintaining a private practice.

I recommended that the matter be left to the individual Advisers, who should know the sentiment of the men in their own Districts, to avail themselves of the offer if on due consideration they saw fit.

The following Advisers have moved to District Offices;—Mr. Askwith, Ottawa; Mr. Racette, Montreal; Mr. Petley, Calgary; Mr. Rowan, Regina (temporarily).

Mr. Hamilton, Halifax, has had his office at Camp Hill Hospital since his appointment.

I have regarded these moves as more or less experimental and so far they seem to have been very successful.

Mr. Askwith and Mr. Racette advise me that they have much better facilities, are able to work faster and their opinion is that it has not detracted from their value in the eyes of the returned men, in fact they are seeing more men and dealing with more cases than previously.

Mr. Hamilton is quite satisfied with his present location.

Mr. Petley and Mr. Rowan have only moved recently and have hardly had time to form an opinion.

There are bound to be some men who will resent the Advisers being in Department Offices, or, for that matter, being connected with the Department in any way.

4. *Relations with Pension Board.*—I was impressed with another fact which is that in many cases the Advisers are unfamiliar with the Board of Pension Commissioners, its scope, organization and procedure. This situation does not

exist to the same extent with regard to the Federal Appeal Board, the reason being that they have been periodically in personal contact with quorums of the Board, and in that way have acquired a knowledge of its procedure, requirements and limitations.

There are many claims dealt with by Advisers involving questions over which the Appeal Board has no jurisdiction, such as questions of dependency, claims dealing with assessment and retroactive awards. In cases of this kind, it seems to me that first hand knowledge of the Pension Board organization, requirements and precedents acquired by personal contact with the Board will be of great value.

Personal observations at the Head Offices of the Department and the Federal Appeal Board would also be of considerable value.

5. Brief summary of work by Districts.—Below are some figures showing approximately the number of appeal cases in each district which have been completed, i.e., presented and judgment rendered by the Federal Appeal Board since the appointment of each of the individual Advisers up to the present time. Also the number of interviews, amount of correspondence in 1929, and the number of active files reported by each office.

Most of the figures have been submitted by the Advisers, and where information has not been available, Federal Appeal Board figures have been used.

These figures, in so far as they relate to appeals, do not by any means represent all the work done by the Advisers. There are many cases which have been entered for appeal but have subsequently been conceded by the Board of Pension Commissioners on considering additional evidence. One office (Toronto) reports that 262 cases have been so withdrawn. There are others withdrawn owing to the fact that they have not been within the jurisdiction of the Federal Appeal Board, or for other reasons. There are also of course the cases taken up direct with the Board of Pension Commissioners, many of which are established. There are also claims for treatment, treatment compensation and other matters coming under the jurisdiction of the Department.

The large number of cases shown in the Ottawa District is due to the fact that this office deals with most of the out of Canada cases. Of the total number of cases presented in this district, 178 have been from the United Kingdom, 457 from the United States, and 31 from other countries.

District	Total number of appeals completed since appointment	Allowed	Disallowed	Number of interviews 1929	Number of letters written 1929	Number of active files in office at present
Halifax.....	625	108	517	383	2,934	800
St. John.....	143	46	97	500	2,206	337
Charlottetown.....	86	33	53	203	643	230
Quebec.....	154	28	126	135	1,273	150
Montreal.....	275	74	201	3,736	4,752	996
Ottawa.....	1,210	226	984	3,572	9,024	4,255
Toronto.....	858	270	598	2,082	5,919	1,054
London.....	571	152	419	1,352	2,573	753
Winnipeg.....	623	188	435	3,538	3,300	4,000
Regina.....	481	134	347	2,993	2,788	2,050
Calgary.....	645	131	514	1,028	2,993	250
Edmonton.....		Not appointed until December				
Vancouver.....	724	165	559	1,326	2,127	1,002
Victoria.....	281	56	225	2,355	2,633	778
Total.....	6,676	1,611	5,075	23,203	43,165	16,655

I think these figures in so far as they refer to appeals will be lower than the Federal Appeal Board figures, principally for the reason that the latter include all cases presented by counsel or other representatives. The Advisers however assist in many of the cases so presented.

1. *Conference.*—The only conferences or meetings which have ever been held were the ones in 1923, shortly after the appointments were made.

Following my trip, I concluded that the only sound basis upon which complete reorganization of the Soldiers' Adviser system could be satisfactorily effected and upon which definite lines of procedure or general regulations could be laid down was a general conference of all Advisers in Ottawa. I advised that it be held as soon as possible, but unfortunately arrangements could not be made to hold it last year. During 1929 several of the individual advisers were brought to Head Office, namely Messrs. Conroy, Fremlin, Racette and Pettigrew, and I think with good results. The conference was, as you are aware, finally set for April 14 and all advisers were instructed to be here on that date. It has now been considered advisable to postpone it again.

A conference will give them the first real opportunity of meeting each other and discussing points of mutual interest, also of personally meeting Head Office officials with whom they correspond on various matters and will be of great value from an instructional point of view. The kind co-operation of senior officials has been assured and the following program was to be followed:

1. Address by the Honourable the Minister.
2. The Deputy Minister on status, duties, relations with the veterans and with the Department.
3. The Chairman of the Board of Pension Commissioners on general principles and legal points arising under the Pension Act, and to discuss any questions which may be brought up by the Advisers in relation thereto.
4. The Chief Medical Adviser of the Pension Board on medical questions arising under the Act, precedents of the Board and generally questions regarding medical evidence.
5. The Chairman of the Federal Appeal Board on matters of general interest and to discuss the establishment of a uniform practice in preparing and submitting cases to the Board.
6. The Director of Medical Services on the treatment organization of the Department and any questions brought up by the Advisers which come under his Branch.
7. Several sessions to be confined to Soldiers' Advisers only for the purpose of discussing uniformity of procedure generally.

Representatives of the Canadian Legion and possibly of other organizations to be invited. This program will be followed if the conference is held at a later date.

HEAD OFFICE

At the present time, I am providing a contact with Headquarters, information requested by Advisers and searches of files and original documents. At the request of Advisers, taking up special cases and questions with the Board of Pension Commissioners and the Department and also assisting men who come to Head Office with complaints regarding pension, treatment or other matters.

I am not making any recommendations on a Head Office organization until a conference can be held and questions of general organization discussed.

Respectfully submitted.

(Signed) K. G. MACDONALD,
Chief Official Soldiers' Adviser.

Gov. Doc.
Can.
Com.
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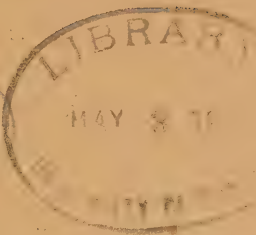
Canada Pensions and Veterans' Problems
Special Committee

SESSION 1930

HOUSE OF COMMONS

GOVT PUBNS

SPECIAL COMMITTEE



ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11—TUESDAY, APRIL 29th, 1930

EVIDENCE respecting Bill No. 19, An Act respecting War Veterans' Allowances.

Colonel O. M. Biggar, Counsel, Col. L. R. LaFlèche, President Canadian Legion, B.E.S.L., and Deputy Minister J. A. Amyot, Department of Pensions and National Health.

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1930

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

COMMITTEE ROOM 368,

TUESDAY, April 29th, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock, a.m., the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Black (Yukon), Fiset (Sir Eugene), Gershaw, Ilsley, McGibbon, MacLaren, McLean (Melfort), Manion, Power, Ross (Kingston), Speakman, and Thorson—13.

The Honourable J. H. King, Minister of Pensions and National Health, was also present.

In attendance: The Deputy Minister, Assistant Deputy Minister, the Secretary, and Majors Burke and Wright of the Department of Pensions and National Health; the Chairman and the Commissioners of the Board of Pensions; Colonel C. B. Topp of the Federal Appeal Board; Mr. C. W. Cavers of the Soldier Settlement Board; Col. L. R. LaFlèche, President of the Canadian Legion, B.E.S.L., and Executive Officers J. R. Bowler and F. L. Barrow; Captain E. Browne-Wilkinson of the Army and Navy Veterans of Canada; Col. O. M. Biggar, Counsel, and Mr. E. E. Spencer, Counsel, and several others.

The Committee proceeded to the consideration of Bill 19, An Act respecting War Veterans' Allowances, as re-drafted following the consideration given to it at previous meetings of the Committee.

The several Sections and subsections of said re-drafted Bill were carefully considered. The effect and purpose of the changes made in the original Bill were explained by Colonel Biggar.

Colonel LaFlèche, the chosen representative of several ex-Soldiers' Organizations, was called, and submitted his views regarding the proposed changes in said Bill. *See Minutes of Evidence herein.*

The Committee adjourned at 12.30 to meet again in *Camera* at 4 o'clock.

AFTERNOON SITTING

The Committee met at 4 o'clock, p.m., the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Arthurs, Black (Yukon), Fiset (Sir Eugene), Gershaw, Hepburn, Ilsley, McGibbon, MacLaren, McPherson, McLean (Melfort), Manion, Power, Ross (Kingston), Sanderson, and Thorson—16.

The Committee sat in *Camera* until 6 o'clock, and then adjourned until to-morrow at 12 o'clock noon.

MINUTES OF EVIDENCE

COMMITTEE ROOM 368,

HOUSE OF COMMONS,

TUESDAY, April 29, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock, a.m., the Chairman, Mr. C. G. Power, presiding.

The CHAIRMAN: This morning we are on a re-draft of the War Veterans' Allowance Act. You all have copies before you. During the recess Col. Biggar re-drafted this to make it meet with the wishes of the Committee insofar as we were able to ascertain them in the discussions which we had. The first thing is a mistake. There is a preamble here and it was never intended that there should be one in the re-draft, so the preamble does not count.

Sir EUGÈNE Fiset: It was not quite decided when we discussed it that the preamble should be struck out. I would like to ascertain, however, if the conditions contained in the preamble have been absorbed in the different sections of the Bill.

Col. BIGGAR: They have, yes.

The CHAIRMAN: This is not definite. We will have it some other day, to-morrow or this afternoon, whenever the Committee decides; we will sit in camera for discussion and further debate on this point. If there are any points to be debated, I would like the members to mark them off. Nobody cares particularly about the preamble remaining in, and we will say definitely it is out.

Section 1, no change from the old Act.

Section 2—H.

Hon. Mr. MANION: There will be a good deal of discussion on that section 2, Mr. Chairman.

The CHAIRMAN: We are not passing it. We have changed the order first of all in which the different definitions were given.

Hon. Mr. MANION: What I am referring to particularly is the composition of the Committee to handle it.

The CHAIRMAN: We will come to that later on. There is a change there.

Col. BIGGAR: The Bill as before the Committee simply said "minor children" and in the case of minor children the allowance was doubled. After discussion with the officers of the Department we limited the double allowance to cases in which the child was under sixteen or in case of physical infirmities above sixteen and under twenty-one, to correspond with the Pension Act, and there did not seem to be any special reason for making a special allowance by reason of the recipient of the allowance having a child who was economically valuable, having an earning capacity.

The CHAIRMAN: We followed the Pension Act.

Col. BIGGAR: Yes.

The CHAIRMAN: Now, the Committee, and constitution of the Committee is provided for by another section, so we can tentatively pass this, Dr. Manion. "Department," that is the same?

Col. BIGGAR: That is the same.

The CHAIRMAN: "Deputy Minister," the same; "Minister," the same; "recipient," is something new.

Col. BIGGAR: It is simply a convenience. It is the veteran who is in receipt of an allowance.

Hon. Mr. MANION: Is that an ordinary phrase or word.

Col. BIGGAR: Oh, yes, quite an ordinary word.

The CHAIRMAN: In the other Act you put in the veteran who is in receipt of an allowance.

"The war," that has been changed. Col. Biggar will explain that to us.

Col. BIGGAR: There is no substantial change, Mr. Chairman, except from line 13 downwards, that is the words "and shall also" in line 13 downwards are only there for the purpose of including other wars than the great war. The Committee was in doubt whether other wars than the big war should be included, and if it is decided to include other wars that part of it requires to stay, otherwise it comes out from "and shall also" in line 13.

The CHAIRMAN: That is a point which, I think, should be left open for discussion, as to whether this Bill is to include all veterans of other wars or simply of the great war. If the Committee is prepared to do so, we will make that one of the points on which we can have debate. We will take it up when the Committee sits in camera.

The next "Theatre of actual war."

Col. BIGGAR: There is an alternative, Mr. Chairman, printed on the opposite page. That comes in if the Bill is extended to other wars, otherwise the clause on page 2 stands.

"Veteran," there is a change there, I think only for the purpose of greater precision, is it not.

Col. BIGGAR: Yes, really for the purpose of greater precision. The Bill as before the Committee provided that veterans should be domiciled and resident in Canada, on the 4th of August, 1914. That excluded men who were domiciled in Canada but not at the time resident in Canada. It also excluded men who after the 4th August, 1914, became domiciled in Canada, for example an American who became a colonist, an immigrant, and made his home in Canada, and after having become domiciled in Canada in that way joined the forces. In the case of the Canadian Expeditionary Forces, of course, domicile does not matter. It is only in the case of joining other forces than the Canadian Expeditionary Forces, but it suffices in the case of those forces that the man should have been domiciled in Canada at the time he joined with other forces; it might have been 1916, 1917 or 1918.

The CHAIRMAN: It does exclude people who were resident in Canada but not domiciled here.

Col. BIGGAR: Yes.

The CHAIRMAN: There were some men who were here for a short period, not resident prior to the war, who possibly enlisted in the French army or the British army.

Col. BIGGAR: It does not include visitors, but the old Bill required both "domiciled" and "resident." This only requires domicile.

Mr. McLEAN (*Melfort*): How long does it take to acquire domicile.

Col. BIGGAR: It can be acquired at once, if the person comes with the intention of making it his permanent home.

Mr. Ross (*Kingston*): There is no date set.

Col. BIGGAR: The determining date is the date upon which he joined the forces.

The CHAIRMAN: Then we come to the section respecting the Committee. That is for discussion, is it not, in camera?

Hon. Mr. MANION: Yes.

The CHAIRMAN: Section 4: Is there any change there—that ought to be explained.

Col. BIGGAR: No.

The CHAIRMAN: Except from 65 years of age to 60 years of age.

Col. BIGGAR: That is the only alteration which the Committee decided on.

The CHAIRMAN: "and has for the three years immediately preceding been domiciled in Canada."

Col. BIGGAR: That is in the old Bill.

The CHAIRMAN: Clause 5. I think perhaps that ought to be explained.

Col. BIGGAR: No, there is no difference. The amount of the allowance is just as it was in the old Bill.

The CHAIRMAN: Six is practically the same; there is a bit of a change there.

Col. BIGGAR: Well, there is no real change. Under the two sections 7 and 9 of the Bill that was before the Committee, 7 I think envisaged the widow, and 9 envisaged both the widow and children. This combines those two provisions and authorizes the allowance to a married man or a widower, in case he lives with the wife or children.

The CHAIRMAN: There has been some discussion as to what the meaning of the words "reside together" is. If he was out on a construction job for six months or so we consider that he was still residing with his wife.

Seven, "deductions," there is a change there.

Colonel BIGGAR: Yes, there is a change there. The change in that is really in the direction of exclusion. Under the bill as it was before the committee there was a provision for additional deductions which were, on consideration, found to be rather unworkable. The first deduction which is not in the present bill, is with regard to the income of the veteran from an equity in property under \$2,000 of assessed value. There did not seem to be any possible ground of distinguishing between real property, if that phrase meant real property, and any other kind of property; and there was no possible ground of distinction between an equity in property and the absolute ownership of it, assuming it to be within the value. All a man had to do to bring himself within the provision was to mortgage property he owned for \$10, then he had an equity for \$2,000.

The other omission is with regard to casual earnings or gifts totalling in the aggregate \$120. That, likewise, seemed to be quite indistinguishable from the \$125 or \$250 allowance that is already provided for under sections 5 and 6 of the redrafted bill. It is open to discussion whether the \$125 and \$250 ought to be raised, but there is no possibility of distinguishing between casual earnings, or earnings, and the bill, as originally drawn, and as now redrawn, provides for excluding from consideration an income up to \$125 in the case of a bachelor, or \$250 in the case of a widower or married man, otherwise it is the same.

The CHAIRMAN: I want this committee to understand the redraft. I agree with the workmanship and logic of it, but it may be somewhat less generous than the original bill. I think that ought to be well understood. The original bill exempted \$125 and then permitted the veteran to obtain what?

Colonel BIGGAR: Casual earnings or gifts.

The CHAIRMAN: In the amount of one hundred and twenty dollars.

Colonel BIGGAR: Gifts were never income.

The CHAIRMAN: Gifts did not count anyway; the department inserted that provision, I am told, for the purpose of the man who would do odd jobs, sweeping and cleaning, mowing lawns; and they did not want to discourage these fellows from doing any work. Now it is fair and logical, I suppose, to count this as income, but I think it is a matter for discussion to see what we are going to do about it.

Mr. McLEAN (*Melfort*): This one hundred and twenty-five dollars casual income would be identical with the one hundred and twenty-five dollars in section 5, in fact it is the same one hundred and twenty-five dollars. I do not think it is wise or fair because, after all, work in this country is for the production of wealth, not to make jobs or keep people out of them. If these men wish to do a little work for their health and pocket, they should be encouraged to do so.

Hon. Mr. MANION: They cannot live very luxuriously out of what they are going to get under this bill.

The CHAIRMAN: Let us raise the exemption and be more logical. There is no real reason why we should consider these casual earnings, whatever you may like to call them, or gifts, differently from the income a man might have from stocks and bonds.

Mr. McLEAN (*Melfort*): I think there is. You might come to me and ask about my income, I have no income, and I don't mind telling you I have no income. I have no money invested. But then an officer of the Department comes to me and wants to know what I earned yesterday. I may have been bucksawing wood for fifty cents a cord, \$1.50, or doing it for charity. I do not want to tell him the details of that.

The CHAIRMAN: But if you have been doing that and have been earning more than is covered by this generous allowance, you will not be entitled to the full allowance.

Mr. McLEAN (*Melfort*): I want to make it enough so one will be entitled to it.

Mr. McGIBBON: You have got to have some qualifying examination for a man to be eligible.

Mr. McLEAN (*Melfort*): That is true.

Mr. McGIBBON: If he can go and earn a living sawing wood, it is doubtful if he would come under this.

The CHAIRMAN: If it is doubtful whether he would come under this, why exempt?

Sir EUGÈNE Fiset: But do you realize, from an administrative point of view, if you are going to include casual earnings, you will have to review this pension every six months or a year.

Mr. McGIBBON: If you determine a man is unemployable, what is the use of discussing it any more?

The CHAIRMAN: As a matter of fact, he becomes employable by earning more than the Act provides.

Mr. McGIBBON: I am now talking about his qualifications, if he qualifies for it.

Mr. MacLAREN: Casual earnings, that is very difficult.

Mr. McGIBBON: I cannot see how you can say that a man is unemployable and then assess his earnings.

Hon. Mr. MANION: A man might be unemployable for steady work, and yet do little odd jobs.

Mr. McGIBBON: If a man is unemployable to the extent that he cannot earn a living, you do not have to consider him anymore.

Sir EUGÈNE FISET: That is exactly what I claim.

The CHAIRMAN: Then we will not take into consideration any casual earnings.

Mr. McGIBBON: I do not see how you can, logically.

The CHAIRMAN: If he earns under the bill, income to the extent of \$125, it is not taken into consideration. He is unemployable, if he has an income of \$125, well now, are we to add to that income, say, another \$125, by casual labour, making him earn \$250, and yet he would be unemployable? That is what it amounts to, Colonel Biggar.

Colonel BIGGAR: I suppose so.

Sir EUGÈNE FISET: Do you realize what it means, even for a pensioner? Suppose a man receives a pension of 5 per cent, and the poor beggar is not able to do steady work all year round, but he is able to earn a few cents, perhaps, sawing three or four cords of wood during a month, or during a year. Are you going to consider his casual earnings as part of his income? It is no more income than the man in the moon. It is extra money he earns temporarily. I do not think casual earnings should come in at all, not any more than you would define the word "income" either as private income or income earned through drawing pension. Why should we make a difference for casual earnings? I do not think it should be taken into consideration at all.

The CHAIRMAN: We have left it out.

Mr. McLEAN (*Melfort*): When do casual earnings cease to become casual, and become income? I think \$125 too low.

The CHAIRMAN: Are we prepared to discuss whether or not \$125 is too low? If we should say \$200, then whatever he earned would have to come off that.

Mr. McGIBBON: You are inconsistent there. If he only earns \$195, he qualifies, and if he earns \$205 he would have his deductions.

The CHAIRMAN: Yes. You have to stop somewhere; it does not cut off the whole allowance.

Mr. THORSON: It does not cut off the whole allowance; it just cuts off \$5.

The CHAIRMAN: Will we put this problem forward for discussion?

Hon. Mr. MANION: Yes, leave it for discussion.

The CHAIRMAN: Discussion on casual earnings.

Section 8, assignment or transfer for the purpose of qualifying. Is there any change?

Colonel BIGGAR: Yes, there is a change. Under the old act, transfer of property made less than five years before the date of application, was an absolute bar. This makes a voluntary assignment only, or transfer, a bar to the extent of the income that would have been derived from that transferred property if it had been retained and had not been transferred for the purpose of qualifying.

The CHAIRMAN: This is really to cover any fraudulent transaction.

Colonel BIGGAR: Really, yes.

The CHAIRMAN: Section 9—"After the death of any recipient an amount not exceeding the sum of twelve monthly instalments of the allowance which the recipient was receiving at the time of his death may, at the discretion of the committee, be paid to his widow, or for the benefit of any child."

Hon. Mr. MANION: That originally was what?

The CHAIRMAN: Two months: I think that is something that should be discussed too. When we get back to first principles of this bill, this allowance is payable to the man, that is something attached to the man himself, and I am afraid, quite frankly, that if we pay twelve months there will be a lot of pressure brought to bear to make it payable for twelve, thirteen or fourteen years.

Mr. McGIBBON: You are going back to the same principle we discussed when the Pension Act was discussed first.

The CHAIRMAN: This bill is to take the broken down soldier off the streets, and to see to it that we do not have to build old soldiers' homes.

Mr. McGIBBON: But I do not think that you can reverse the system we have been following for thirteen or fourteen years.

The CHAIRMAN: This has nothing to do with pensions.

Mr. McGIBBON: Yes, it has, and you may reverse the system if you do that. When we first brought that up under the Pension bill, it was a question whether we should give the soldier the whole thing, and let him look after his wife and family. We decided to do it differently. We decided to give it to the wife and children.

Mr. THORSON: No, give it to the man, pay the man.

Mr. ROSS (*Kingston*): It can be paid to the wife.

Mr. THORSON: Under special circumstances.

Mr. McGIBBON: Well, he gets it; it is based on that.

The CHAIRMAN: There is the argument that I was afraid would be brought up. The object of it was to look after the veterans.

Mr. BLACK (*Yukon*): And their dependents, their children.

The CHAIRMAN: No, as a matter of fact, I tell you quite frankly, I think we made a mistake in putting in dependents at all. If we had been logical, what we should have done would have been to have put bachelor veterans and married veterans all on the same basis, because the dependents have no claim under the principle of this bill. This is to keep the soldier who has no pension, or is not receiving sufficient pension, or has no rights to pension, off the streets or out of old age homes.

Mr. McGIBBON: I do not see how you can exclude those dependents when they have been recognized for thirteen years.

The CHAIRMAN: It is not a pension, it is something a man gets under certain circumstances.

Mr. McGIBBON: It is in lieu of pension.

The CHAIRMAN: No, it is not.

Mr. McGIBBON: You cannot justify it by any other means under heaven.

The CHAIRMAN: The justification is the compassion that the people of this country feel for any man who wore a uniform.

Mr. THORSON: It is for service and not because of disability.

Mr. BLACK (*Yukon*): You are giving it to a married man because he has a dependent, but that child will need the money more after the father is dead. If you give it for twelve months, why not give it longer?

Mr. McLEAN (*Melfort*): On that point, how about the bachelor veteran who has to have someone looking after him the same as the married man has to have someone looking after him?

Sir EUGÈNE Fiset: That opens a little wider field there; the moment he has dependents, that comes in. When we did discuss this clause we decided to change it to twelve months, and we decided to make it in monthly instalments

instead of a lump sum. We have accepted the principle of it, so let us deal with the bill as it stands, and let the future take care of itself. If, later, they want to amend it to twelve or thirteen years, it can be dealt with then. I think we should stick to our guns.

The CHAIRMAN: I am only pointing this out for future generations and parliamentarians.

Hon. Mr. MANION: A lot will not be here then.

The CHAIRMAN: Will not even know when the Act comes into force. We will say twelve months, then.

Section 10—Every allowance shall be paid monthly on such dates each month as the committee may direct. That is the same.

Section 11—Allowance subject to review. That is just the same.

Colonel BIGGAR: Yes, subject to review.

Mr. THORSON: Which one was that in the old bill?

The CHAIRMAN: Section 12 in the old bill.

Mr. MCGIBBON: I suppose that was simply to prevent fraud.

The CHAIRMAN: That is all. Section 12—Payments to be made to other persons.

Hon. Mr. MANION: A man might have inherited money; that is possible.

The CHAIRMAN: Section 12 deals with the case of the man who cannot look after himself. He certainly cannot because he is unemployable, but we are making special provision for it.

Sir EUGÈNE Fiset: Is it the intention that a review of all those cases should be made yearly, or semi-yearly?

The CHAIRMAN: No.

Sir EUGÈNE Fiset: If so, I can see a lot of correspondence with those poor beggars. I think that would incur a good deal of expense. The review of their pensions, I think, is one of the greatest problems they ever had.

The CHAIRMAN: Yes, but they do not have to review annually.

Sir EUGÈNE Fiset: They can review monthly if they want to, especially if you grant them casual labour.

Mr. THORSON: Would it not be better to make it read "subject to review" instead of "subjected to review."

Colonel BIGGAR: Shall be subject.

The CHAIRMAN: Shall be subject, not subjected. That is an error. Subject is all right, that is to say they may be reviewed.

Mr. THORSON: They may be reviewed.

The CHAIRMAN: It is subject to review, not subjected; cut out the "ed." That is to say, they may be reviewed.

Section 13—Suspension of payment of allowances to a person undergoing punishment for an offence. That is a change.

Colonel BIGGAR: It was during the term of imprisonment.

Hon. Mr. MANION: He is being looked after anyway.

The CHAIRMAN: The clause reads: "(b) is resident out of Canada, or (c) is maintained at the expense of the Department as an inmate of any institution.

Mr. McLEAN (*Melfort*): He may go away on a holiday once in a while.

The CHAIRMAN: Oh, yes.

Mr. MCGIBBON: That does not include the insane.

The CHAIRMAN: No, there was some discussion about the insane, and we left that out entirely so that the man still continues to draw his allowance.

Mr. SPEAKMAN: If maintained at the expense of a municipality, he still receives his allowance.

The CHAIRMAN: Section 14—there is a deduction made there. Section 15—Committee to have powers of a commissioner. Do you want that further explained?

Colonel BIGGAR: No, I do not. The provisions are all in the Inquiries Act.

Sir EUGÈNE Fiset: I would like you to read them.

Colonel BIGGAR: Yes. I am afraid they brought me the wrong volume, General. It stops at "Indians."

The CHAIRMAN: 16: He cannot transfer.

17: The Department may recover in case of false representations.

18: The Department shall be charged with the administration of this Act subject to the directions of the Committee.

19: This was inserted at the request of the Associated Veterans: That the right of any veteran to receive a pension under the Pensions Act shall not be affected by anything in this Act or by the receipt of any allowance thereunder.

20: This Act shall come into force on the first day of September, 1930.

May I ask Dr. King why not at once?

Hon. Mr. KING: I think it would take some little time. There has got to be a survey made which will take until September 1. I think that is the recommendation of the Committee.

Sir EUGÈNE Fiset: I do not absolutely agree with your point of view on this matter. This is something specific that your Department is dealing with specifically—the provisions of this Act. I do not see that there will be very much trouble for them to deal with each case as they will have to do anyway right off.

Hon. Mr. KING: The Act in all probability will not be assented to before June. There remain July and August. That will give two months to get the machinery. There will be some machinery to establish.

Mr. McGIBBON: You have to get forms.

Hon. Mr. MANION: Is there any significance in that date?

Hon. Mr. KING: No, no significance. We thought September would be the date on which we could get the machinery working. I think September 1st would be the earliest.

The CHAIRMAN: We might ask the representatives of the veterans to tell us finally what they have to say on this bill before we start discussing it in camera.

Mr. McLEAN (*Melfort*): In the meantime you might impress upon the Committee the importance of it being put into effect.

Sir EUGÈNE Fiset: I should like to know the powers of these great commissioners. I think it would rather surprise the Committee to see what power the Deputy Minister and the Assistant Deputy Minister have.

Mr. McGIBBON: Where do you get your inside information?

Mr. BIGGAR: The Commissioners have the power to examine documents and papers, records and books of all kinds, and of summoning before them any person. The Act reads:

7. The commission or commissioners may, for the purposes of the investigation, enter into and remain within any public office or institution, and shall have access to every part thereof, and may examine all papers, documents, vouchers, records and books of every kind belonging thereto, and may summon before him or them any person and require him to give evidence on oath, orally or in writing, or on solemn affirmation if he is entitled to affirm in civil matters; and any such commissioner may administer such oath or affirmation.

8. The commissioner or commissioners may, under his or their hand or hands, issue a subpoena or other request or summons, requiring and commanding any person therein named to appear at the time and place mentioned therein, and then and there to testify to all matters within his knowledge relative to the subject matter of such investigation, and to bring with him and produce any document, book, or paper, which he has in his possession or under his control relative to any such matter as aforesaid; and any such person may be summoned from any part of Canada by virtue of such subpoena, request or summons.

(2) Reasonable travelling expenses shall be paid to any person so summoned at the time of service of the subpoena, request or summons.

9. If, by reason of the distance at which any person, whose evidence is desired, resides from the place where his attendance is required, or for any other cause, the commissioner or commissioners deem it advisable, he or they may issue a commission or other authority to any officer or person therein named, empowering him to take such evidence and report the same to him or them.

(2) Such officer or person shall, before entering on any investigation, be sworn before a Justice of the Peace faithfully to execute the duty entrusted to him by such commission, and shall, with regard to such evidence, have the same powers as the commissioner or commissioners would have had if such evidence had been taken before him or them, and may, in like manner, under his hand issue a subpoena or other request or summons for the purpose of compelling the attendance of any person, or the production of any document, book or paper.

10. Every person who

(a) being required to attend in the manner in this Part provided, fails, without valid excuse, to attend accordingly; or

(b) being commanded to produce any document, book or paper, in his possession or under his control, fails to produce the same; or

(c) refuses to be sworn or to affirm, as the case may be; or

(d) refuses to answer any proper question put to him by a commissioner, or other person as aforesaid;

shall, on summary conviction before any police or stipendiary magistrate, or judge of a superior or county court, having jurisdiction in the county or district in which such person resides, or in which the place is at which he was so required to attend, be liable to a penalty not exceeding four hundred dollars.

Sir EUGÈNE Fiset: These are the powers that are vested in the Commissioner himself?

Col. BIGGAR: Yes.

Sir EUGÈNE Fiset: Independent as to whom his boss may be.

Col. LAFLÈCHE: Mr. Chairman and gentlemen, this is the first time we have seen the revised bill, and while we have gone over it and we have followed as best we could, I do not know whether I can make any all-inclusive remarks now; but there are one or two points on which I should like to say a word. If I might refer, sir, to paragraph 4 of the reprinted bill; I note that you have allowed to be recopied into the new bill the period of three years which would, under the bill as it now reads, be necessary by way of domicile in Canada. I had hoped that the Committee had agreed at the last sitting when we discussed this matter to make this condition somewhat less onerous.

The CHAIRMAN: What would you suggest?

Col. LAFLÈCHE: Was it Col. Arthurs at the time, or some other member of the Committee who thought three years was too long? The only thing you were going to try to safeguard was the flocking into the country of persons who might be eligible under this bill and who are residing in other countries and would come here solely for the purpose of enjoying the benefits under this bill.

Hon. Mr. MANION: Col. Arthurs suggested a year, I think.

Col. LAFLÈCHE: There were several suggestions. I think he made that suggestion. If I might take the liberty of making a suggestion which is new from us, at least, under sections 5 and 6—under section 5 you would permit a bachelor or a widower without children to have an income, which would not be taken into account, of \$125 a year. I am just wondering, and I submit the thought, sir, whether it might not be better to give the man some more leeway, and in fact, encourage him a bit to increase as much as he can his casual earnings. I really think that the total amount of income up to an amount equal to the benefit he might receive under this bill would not be too much to allow him, and, as a matter of fact, he would get \$20 a month under this bill, and even if he were to have an income of \$20 a month in addition, \$40 of a total is not too much. The same would apply under section 6.

Sir EUGÈNE Fiset: What amount would you suggest?

Col. LAFLÈCHE: \$20 a month. \$240, instead of \$125. Along that line of thought, I would suggest that you gentlemen increase under clause 6 that income of the married man or a widower with a child or children. He might earn \$480 instead of \$250 a year. He might have an income of \$480 rather than \$250. In other words, if he were able by his own casual efforts or sporadic efforts to earn an income not surpassing in amount the amount he might receive under the bill, his total earnings would be \$960.

The CHAIRMAN: If a man had about \$6,000 invested in bonds he would be better off than a member of parliament; he would be getting \$480 and would still be drawing allowances.

Col. LAFLÈCHE: I think that is somewhat in line with what was expressed by some gentleman here. If you have to have an arbitrary figure that might not be a bad choice.

Mr. McGIBBON: How are you going to keep track of these earnings? If a man goes out and mows a lawn to-day or does something else to-morrow he is not going to keep books. I think we are talking about a lot of impossibilities.

Col. LAFLÈCHE: I cannot answer that.

Mr. McGIBBON: It is germane to the point you are discussing.

Col. LAFLÈCHE: If you are going to limit the man's earnings—and I think it is only right, you cannot give this to a rich man; it is not warranted—don't make the maximum which he might earn or receive ridiculously low.

Mr. McGIBBON: From the practical standpoint, I cannot see how you are going to get any place with it. A man will not keep track of it. Of course, if he has an income it is different. I am talking of earnings. He will not keep track of it.

Col. LAFLECHE: If he has a steady job, of course—

Mr. MCGIBBON: If he has a steady job he cannot qualify.

The CHAIRMAN: I see what you mean. It is not worth while discussing it. If the Department or Commission that administers this is going to run after these fellows and say to this man: "last month you earned \$10 more and you are going to get \$10 less in your allowance," there would be such a howl that this bill would never be carried out.

Mr. MCGIBBON: The cost will be very great.

The CHAIRMAN: I have a lot of sympathy with the proposition to raise this amount.

Hon. Mr. MANION: Of course we have to have some limit.

The CHAIRMAN: I think this is based on the old age pension.

Colonel LAFLECHE: You will be, I understand, discussing this bill in camera. I should like to say a last word upon the advisability of remembering, if possible, the veterans of older wars. I understand that the difficulty was explained this morning, but I think you would be able to find a way out of it.

The CHAIRMAN: You do not suggest that we include in this bill, the people who served only in Canada?

Colonel LAFLECHE: No, I do not—in the last war?

The CHAIRMAN: Yes.

Colonel LAFLECHE: I have no authority to make that request and I do not. That is all that I have been able to pick out of the bill as I went over it. There might be other things that I might find on perusal.

Mr. LISLEY: What do you think of the twelve months' provision for dependents?

Colonel LAFLECHE: I think that is quite enough under the spirit and principle of the bill. We certainly did not ask for any more than that.

Mr. MCGIBBON: Has the age of the children any bearing?

The CHAIRMAN: It is 16, the same as the Pensions Act; and if mentally or physically incapable, after that. That is definite in (b).

Mr. THORSON: Have you anything to say on section 13 of the bill?

Colonel LAFLECHE: No, that looks all right to me. It seems perfectly fair. If a man is a prisoner, undergoing punishment for an offence, well, he is receiving board and lodging all right and medical care if necessary, I understand. I do not favour paying benefits under this Act to men who do not reside in Canada, except under certain circumstances. I think it would be not only wise but proper to provide for an exception where for medical reasons or perhaps serious family reasons a man really cannot arrange his affairs to live in the country. Generally speaking, I would not ask that you pay the allowance to men living out of Canada. Under (c), when a man is maintained at the expense of the Department as the inmate of any institution, if you paid his allowance it would be doubling what he has received. That is not called for.

The CHAIRMAN: It has been suggested that a number of men are now in departmental institutions, and it has been asked whether or not these men will be put out and told to take \$20 a month. What do you think of that?

Colonel LAFLECHE: Mr. Chairman, that point has been discussed by certain other gentlemen and myself at certain times and there has been some fear expressed that such might be the case; in other words, that the provisions of this bill would do away with what we know now as class 4 pensioners. I see nothing in the bill to bring such an event about, and I have also questioned the officials of the department very closely, and they assure me that the provisions of this bill will not affect in any way the policy now followed of

giving domiciliary care to worn-out veterans in the hospitals of the department, and I think I would like very much, sir, if you would question someone on the departmental side.

The CHAIRMAN: Do you affirm that?

Dr. AMYOT: Yes.

The CHAIRMAN: You do not favour giving this to other than class 4 veterans? You have no intention of evacuating from your hospitals men who are now class 4 veterans?

Dr. AMYOT: Only pensioners are included in class 4.

Mr. MCGIBBON: I understand that some of the provincial institutions have let these men out when they get old age pensions.

Dr. AMYOT: It might be of mutual advantage. Sometimes they want to get out themselves.

Mr. MCGIBBON: We should frame the law to cover that case.

Sir EUGÈNE Fiset: As far as the present inmates of these institutions are concerned they are really taken care of by the Pension Act. Every one of them in those institutions at the present time is a pensioner.

Mr. MCGIBBON: They do not qualify under this.

Sir EUGÈNE Fiset: They may qualify if the amount of pension is too low.

The CHAIRMAN: If it is under \$480, it is too low.

Mr. ADSHEAD: Is there any limitation for these two classes in subsection (f) of clause 2, veterans who served in Canada, and those that apply under this new draft?

The CHAIRMAN: Yes. "Any former member of the Canadian Expeditionary Force who served in a theatre of actual war."

Colonel BIGGAR: Yes. Under (j).

The CHAIRMAN: "Veteran means" and it gives four different classes of veterans.

Mr. GERSHAW: Do you think men who served in Canada and who do not get a pension and are still here are deserving of some special consideration?

Colonel LAFLECHE: I have no intention of discrediting any man who served only in Canada, of course. Many of them have great merit, I know; but we really ask for the benefits of bills of this kind because of our observation of the fact that many men had served their country in a sphere of actual war and had done actually good war service for the country under danger, and under conditions of very extraordinarily severe mental and physical strain. So that we do not include them because we do not believe that the man who served only in Canada, as a general rule, had suffered as much as the man who served at the front. We do not, for the same reason, ask it for the man who served in Canada or in England only. I quite admit that in some cases—I will not call them isolated cases—that man did undergo very severe strain often in training in Canada or in England, but there was not the mental strain of living under rifle and cannon gun fire.

Sir EUGÈNE Fiset: I would like to know if those pensioners that are being pensioned for service in Canada or in England would be entitled to the benefit of that Act.

The CHAIRMAN: Yes, section 4.

Sir EUGÈNE Fiset: Why differentiate between those and those who served in Canada only.

The CHAIRMAN: Because they have the pension. They may be unlucky enough to have contracted or incurred the disease. There is an assumption that they suffer.

Colonel LaFLÈCHE: There is another point. All our adjustment officers have found throughout the years, when working on adjustment claims and so forth, that if there is any discrepancy in the records it is nearly always found in the records of those men who served in France or who served in a theatre of actual war. We find, as a rule, that the records of the men who served in Canada or England are fairly complete, and if they did suffer from any disease or any disability on such service they are able to prove it because proof is to be found in their files, and here is a case where we do ask definitely that you give the advantage to the men who have served in a theatre of actual war.

The Committee adjourned at 12.05 p.m. to resume in camera at 4 p.m.

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Pensions and Returners

Problem, 1930

SESSION 1930

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 12—THURSDAY, MAY 1st, 1930.

EVIDENCE with respect to Duties and Operations of Official Soldiers' Advisers. Mr. Kenneth G. Macdonald, Ottawa; Mr. John Vincent Conroy, Toronto.

APPENDIX No. 11—Reports of Various Soldiers' Advisers.

OTTAWA

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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1930

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

COMMITTEE ROOM 368,

THURSDAY, May 1, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock, a.m., the Vice-Chairman, Mr. McPherson, presiding.

Members present:—Messrs. Adshead, Arthurs, Black (Yukon), Fiset (Sir Eugène), Gershaw, Hepburn, Ilsley, McGibbon, McIntosh, MacLaren, McPherson, McLean (Melfort), Manion, Ross (Kingston), Speakman, and Thorson.—16.

The Honourable Mr. MacArthur, Senator, was also present.

In attendance: The Chairman, and the Commissioners of the Board of Pensions; Col. C. B. Topp of the Federal Appeal Board; Col. L. R. LaFlèche, President of the Canadian Legion, B.E.S.L. and Executive Officers; Messrs. Bowler, Barrow, Hale and Gilpin; Mr. E. E. Spencer, Counsel; Messrs. K. G. Macdonald and J. V. Conroy, Official Soldiers' Advisers.

Messrs. H. A. Sibley, G. D. Allen, H. Andrews and Dr. S. J. Forrest, members of the Canadian Legion Executive of the Christie Street Hospital, of Toronto, and representatives R. Myers of the Amputations Association and Browne-Wilkinson of the Army and Navy Association were present.

The Committee proceeded to consider the Memorandum submitted at a previous meeting by Mr. Kenneth G. Macdonald, Official Soldiers' Adviser. Said Memorandum is dated April 9, 1930.

Mr. Kenneth G. Macdonald and Mr. John Vincent Conroy were called to give evidence with respect to the duties they discharge as official soldiers' advisers. See Minutes of the Evidence herein.

In the course of the evidence given reports of various soldiers' advisers were submitted and ordered to be printed as an Appendix to to-day's proceedings. See Appendix No. 11.

The Committee then adjourned until Tuesday, 6th of May, at 11 a.m.

MINUTES OF EVIDENCE

COMMITTEE ROOM 368,

HOUSE OF COMMONS,

THURSDAY, May 1, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Vice Chairman, Mr. McPherson, presiding.

KENNETH G. MACDONALD called.

The WITNESS: Mr. Chairman and gentlemen, I think the committee should have some first hand information on the work which is being carried out by the different soldiers' advisers. In order that it may be discussed as thoroughly as possible I have asked Mr. Conroy, our adviser in Toronto, to come here and explain the workings of his office. The situation in most of the offices is much the same in regard to records and the preparation and presentation of cases.

The soldiers' advisers are doing a lot of good work, but they have certain difficulties in the preparation and presentation of cases which, I think we will admit in many instances, are inadequately prepared for the following reasons:—

In the first place, the soldiers' adviser is dependent on the man himself for his information. If the man does not cooperate in indicating witnesses, such as surgeons and physicians, where the evidence can be located, the soldiers' adviser is rather up a tree. Again, owing to the lapse of time since the man was discharged it is often impossible to locate important witnesses. In many of the districts applicants live at some considerable distance from the soldiers' adviser's office, in which case the adviser has to conduct all inquiries by means of correspondence. If he could interview the men in most of these cases much valuable information would be secured, which cannot possibly be secured by means of correspondence.

Mr. MCGIBBON: What is the object of all this?

The CHAIRMAN: I was not at the previous meeting, but I was given to understand that the soldiers' advisers were to appear here to-day and present their case.

Mr. MCGIBBON: We surely do not have to sit here and listen to all this elementary ABC stuff.

The CHAIRMAN: I was looking at the record. Mr. Bowler spoke on the matter the other day, and no one else, and Mr. Macdonald was asked to come here and give a statement of his work in connection with the soldiers' advisers.

Mr. THORSON: Is not that sufficiently covered by the report?

The WITNESS: The report covers most of the activities, but in view of the criticism of soldiers' advisers I simply asked that Mr. Conroy come here to give any statements which he might care to give in connection with the workings of his office.

By Mr. McIntosh:

Q. Will Mr. Conroy cover the whole case, or will he only deal with the Toronto office?—A. He will discuss the difficulties which he finds in his own office.

By Mr. Black (Yukon):

Q. Is it suggested that the committee can do anything to help?—A. It is just for the purpose of being on record.

Mr. McGIBBON: Everybody knows about the applicant being a long way from the adviser. We have been travelling in a circle here for years, hearing the same stuff over and over again.

By Mr. Thorson:

Q. I think we all appreciate the difficulties under which the official soldiers' adviser is working. Have you any suggestions as to how the system might be improved?—A. I might make some suggestions, sir, which I am submitting to the department.

Q. Let us have those.

By Mr. McIntosh:

Q. Are they in this report?—A. They are not in this report.

By Sir Eugène Fiset:

Q. Do you represent the British Columbia soldiers' adviser?

The CHAIRMAN: He is the chief soldiers' adviser for the Dominion, located at Ottawa.

The WITNESS: These suggestions are as follows:—1. All advisers to be on full time except those in Quebec and Charlottetown; 2. The salary question to be reviewed.

By Mr. Ross (Kingston):

Q. What is the reason for exempting Quebec? Here is a place where General Fiset says they find a lot of difficulty?—A. That is Quebec city. From our records, we find that the work there, in comparison with other districts, is not so very much. Also, the soldiers' adviser there is a barrister, having his own practice.

Mr. Ross (*Kingston*): We have nothing to do with him being a barrister. The General says they cannot get any satisfaction down there. That is next door to his constituency.

Sir EUGÈNE FISET: It is simply because the man is located in Quebec and he does not go to the lower districts.

The WITNESS: I merely put this up as a preliminary suggestion, sir. If it was started off with these two exempted they could be established later on a full time basis. I rather think they should all be on a full time basis, but I simply put forward that suggestion because the districts are smaller.

By Mr. Ross (Kingston):

Q. What is the next suggestion?—A. 2. The salary question to be reviewed; 3. All new appointments to be professional men appointed by the minister with qualifications taken into account when fixing salary.

By Mr. McLean (Melfort):

Q. That is, legal men?—A. In my opinion, I think probably a doctor would make a very good adviser, as the questions are largely medical.

By Mr. Adshead:

Q. Professional men does not simply mean barristers?—A. No, sir, I would not limit it to barristers.

Mr. McINTOSH: It never does, why should it in this case?

Mr. BLACK (*Yukon*): Medical men make good witnesses, and they are necessary witnesses in those cases.

By Mr. Ross (Kingston):

Q. You propose that they should be professional men appointed by the minister?—A. Yes.

Q. Why?—A. I think that the present system is rather restricted. If all applications of returned soldiers were considered, sir, I think it would probably open a wider field.

By Hon. Mr. Manion:

Q. Who has been choosing them in the past?—A. The returned soldiers' organizations, and the minister selects the soldiers' advisers from the names submitted.

By Mr. Ross (Kingston):

Q. You are not proposing any change?—A. Except that applications from other sources would be considered.

By Mr. Thorson:

Q. The suggestion is that the minister's choice shall not be confined to nominees of returned soldiers' organizations?—A. That is right.

By Mr. Black (Yukon):

Q. He is not by law limited to returned soldiers' recommendations?—A. It is more or less by agreement with returned soldiers' organizations.

5. Reasonable office expenses to be borne by the department.

By Mr. Ross (Kingston):

Q. What is the third?—A. All new appointments to be professional men appointed by the minister with qualifications taken into account when fixing salaries.

Q. And the fourth?—A. Full time advised to be provided with an assistant or investigator, and to be provided with necessary stenographic service. It would be advisable to take over the stenographers now employed as they are familiar with the work.

At the present time the advisers get their own stenographers and pay them out of an allowance which is granted by the department. In some cases the department supplies the stenographer.

By Mr. Adshead:

Q. Why in some cases and not in others?—A. In some cases where the advisers are located in departmental premises.

By Mr. McGibbon:

Q. Do you not think a man is capable of choosing his own stenographer?—A. I think he should choose his own stenographer.

By the Chairman:

Q. At the present time, does the department furnish all expenses of running the office?—A. No, sir, they only supply him with a certain allowance for stenographic and other assistance. It varies in accordance with the size of the district.

By Mr. Black (Yukon):

Q. It seems to be set out in this memorandum?—A. It is set out in the memorandum.

Q. Running from \$60 to \$20 a month?—A. The highest is \$85 a month.

By Mr. Ross (Kingston):

Q. What is this assistant to be, a stenographer?—A. No. I would suggest that he be a male assistant or investigator, capable of preparing cases to a certain extent, also reviewing the files and attending to certain detail work.

By Mr. Thorson:

Q. Would you suggest an assistant in all districts?—A. Yes, sir, I would suggest one in each district, that is, all the full time districts.

Q. At present there are assistants in only three of the districts?—A. Yes. The department has provided assistants in three districts. Those districts are Montreal, Winnipeg and Ottawa.

By Mr. Adshead:

Q. Not Toronto?—A. No, sir.

Q. In Ottawa they only pay \$30 a month, and in Toronto \$60 a month?—A. They pay \$85 in Toronto for stenographic allowance.

Mr. MCGIBBON: Is that in addition to this office assistant that you have down here?

Mr. THORSON: Yes.

The WITNESS: That is the allowance on page 2, sir.

By Mr. Thorson:

Q. You increase it from \$60 to \$85 a month on page 2. What other suggestions are there?—A.

6. Advisers to be responsible to the department through a central office located in Ottawa.

7. Utilization of the Legion service bureaus is suggested where these are available, and it is suggested that conferences be held with a Legion representative in order to arrive at some working agreement.

This last recommendation, I may say, was not drawn up for presentation to the committee, but for the honourable the minister.

By the Chairman:

Q. Is it not a fact that the Legion does assist with a lot of this work at the present time?—A. They do, yes sir, in many districts.

By Mr. Thorson:

Q. Have there been conferences called with the official soldiers' advisers?—A. There was a conference called for the 14th of April, sir.

Q. Is that the first conference that has been called since the appointment of the chief official soldiers' adviser?—A. That is the first conference.

By Mr. Adshead:

Q. The official soldiers' advisers were not consulted with regard to this memorandum?—A. No, sir.

By Mr. McGibbon:

Q. This is your own memorandum?—A. Yes, sir.

Q. How long have you been in this position?—A. Since September 1, 1928.

By Mr. Thorson:

Q. And there has been no conference of official soldiers' advisers since then?—A. The first conference of the soldiers' advisers was in 1923. There were

two held at that time. I have been recommending that a conference be held but unfortunately last year it could not be arranged with the department, so it was finally set over till April 14th of this year.

Q. And was it held?—A. It has been postponed again.

Q. Until when?—A. Until further notice.

By Mr. McGibbon:

Q. Who called that conference?—A. I called it myself, sir.

Q. You have not been very successful?—A. I have not been able to get the conference.

By Mr. Ross (Kingston):

Q. What officers were there in 1923?—A. How many, sir?

Q. Yes?—A. 13.

Q. Where were they?—A. It is set out on the front page of the memorandum.

By Mr. McLean (Melfort):

Q. Were those original appointees appointed in 1923?—A. Yes, sir.

Q. They were appointed that year under order in council?—A. Yes, sir. They were appointed in October, 1923, under order in council number 1928.

By the Chairman:

Q. How many are there now?—A. There are 14 now. There has been a recent appointment made.

By Mr. Ross (Kingston):

Q. Do you say Askwith was an adviser in 1923?—A. Yes, sir.

By the Acting Chairman:

Q. What is the next item you have?—A. If appointment by the principal judge in the districts is adopted, I suggest it is essential to have a conference of all the advisers in order to work for uniformity of procedure. I think that the conference would be most essential in order to get the advisers together and bring them into contact with the head office, the Board of Pensions Commissioners, and the Appeal Board.

By Mr. Arthurs:

Q. How often do you visit these places?—A. I have only made one visit.

Q. In two years?—A. That was up to February, 1929.

By Mr. Adshead:

Q. Do the majority of the Soldiers' Advisers you have consulted agree with you that they should be substituted by professional men?—A. No, I do not think so.

By Hon. Mr. Manion:

Q. How many of them are professional men at the present time?—A. Five lawyers and one doctor at present.

By Mr. Ross (Kingston):

Q. Who are the lawyers on this list? Take them from the top of the list.—A. G. H. Sedger, Victoria.

The ACTING CHAIRMAN: On page 327, Mr. McDonald says, is the up-to-date list.

Mr. McGIBBON: Are we to understand you have been on this job two years and you do not know anything about your assistants.

The ACTING CHAIRMAN: The present list is on page 327 of the Report, which will be on page 3 of the printed Report.

Mr. THORSON: Page 3 of the memorandum shows the present Soldiers' Advisers.

The WITNESS: The first is Quebec, A. Pettigrew; the next one is Edmonton, E. C. Darling; the next one is Vancouver, Ian Mackenzie; the next one is G. H. Sedger of Victoria, and there is C. R. Hawkins of St. John.

By Mr. Ross (Kingston):

Q. Now, who is the doctor?—A. Dr. H. D. Johnson of Charlottetown.

By Mr. Black (Yukon):

Q. Do you know what the occupation of the others is; what are their professions?—A. Most of them before they accepted this position occupied some position with the Return Soldiers Organizations—provincial secretaries, most of them, of the G.W.V.A. or the Legion. What were their pre-war occupations I am not sure.

By Hon. Mr. Manion:

Q. Do I understand that the proposition is to get rid of these men who are not lawyers irrespective of how good men they are.—A. No, sir. I may have been misunderstood there I am referring there to new appointments. I would not suggest that the present men be removed at all.

Q. Because with all due respect to lawyers, I have seen a lot of them that did not have very much brains, and I make the claim that there are lots of men besides lawyers and doctors who can get evidence together.

By Mr. McLean:

Q. Is Mr. Rowan of Regina not a lawyer?—A. I think he went through for law. I do not think he ever practiced.

By Mr. McGibbon:

Q. I see there are six of these advisers who have never got to France. Can you give us any explanation why they are on this list.—A. I cannot give any explanation of that, sir, because they were appointed before I came in.

Sir EUGÈNE Fiset: Perhaps nobody will take it at that salary who is a good lawyer.

By Mr. MacLaren:

Q. Do you consider it advisable that Soldier Advisers should have their residence in the same place, say, where the military hospital is and where the Pensions and D.S.C.R. representatives are?—A. Yes, I think it is very important that he should be in a centre.

Q. Here is a point that comes up with reference to Mr. Hawkins. He is a lawyer by the way. He resides over sixty miles from these different organizations that I am speaking of. Do you think that is a good plan?—A. I think myself that he should be in St. John where his headquarters are. What the reason was—

Q. It involves special visits to St. John?—A. He makes periodic visits now.

Q. But he is not accessible in these cases?

By the Acting Chairman:

Q. Have you any further suggestions?—A. I have no further suggestions, Mr. Chairman.

By Mr. Black (Yukon):

Q. I would like to ask Mr. Macdonald what his other duties are.—A. My duties are part-time.

Q. Part-time does not tell us anything about your duties.—A. The duties were to supervise and co-ordinate the work of the Advisers.

By Mr. McGibbon:

Q. And there has been nothing done towards that yet?—A. It has been very difficult to deal with that, Sir, owing to the fact that the men are part-time employees, and also it is considered that very little Government control should be exercised in that position, the reason being that it was thought they would lose a large share of the confidence of the men if it were thought that they were employed by the Government.

By Mr. Thorson:

Q. They are employees of the Government?—A. Part-time employees.

By Mr. Gershaw:

Q. Do these Advisers prepare cases for men who are in the Legion?—A. Yes.

By Mr. McGibbon:

Q. What Unit were you with in France?—A. I was with the Air Force.

By the Acting Chairman:

Q. Which of these men are part-time employees now?—A. All of them are part-time employees now but, as a matter of fact, in most districts they are doing full-time work.

By Mr. Adshead:

Q. Mr. Petley, in Calgary, is a full-time employee?—A. He is regarded as a part-time man.

Mr. THORSON: He is permitted to do other work.

Mr. ADSHEAD: He has not time to do any other work. He spends all his time in his office.

By Mr. Black (Yukon):

Q. Do you take part in the preparation of cases for the various Boards?—A. No, sir.

The ACTING CHAIRMAN: We will call Mr. Conroy.

By Mr. Ross (Kingston):

Q. Just before we leave Mr. Macdonald. Were you put in this job and left at sea to drift around? If you could not obtain a conference that ended it, did it? You come up and suggest a conference. You are put in as an Adviser, the Chief Adviser, and you have not been able to get a conference. That is your suggestion. Why?—A. I have been providing contact with the Department and the Boards here until such time as that conference could be held, and definite lines of procedure based on the facts brought out.

By Mr. Black (Yukon):

Q. You are not going to pretend to instruct those lawyers how to present their cases.—A. No, sir.

Q. It is a simple matter, after all, of collecting the evidence, and the witnesses, and presenting the case to the Court. Each case is different from each other case?—A. Yes.

Q. There cannot be any separate method of procedure?—A. The idea of the conference is chiefly to bring them all together in order to bring out all possible suggestions.

Mr. ROSS (*Kingston*): It is a good idea, but you say you cannot do it.

Mr. BLACK (*Yukon*): If they know their business they will be able to do it.

By Mr. McGibbon:

Q. What has been the practical results of your work; what have you accomplished in the last two years?—A. I don't know how to answer that question.

Q. You have accomplished something surely?—A. The services to the Soldiers' Advisers—they could speak for themselves. I think the Soldiers' Advisers themselves would appreciate the assistance.

Q. I am not asking you what the Soldiers' Advisers would appreciate; I am asking you what practical results you have accomplished since you have been appointed to this office of Chief Advisor?—A. I have been dealing with some cases myself. I have been keeping rather a Service Bureau for the Soldiers' Advisers.

By Sir Eugène Fiset:

Q. Would you answer the question put to you by Mr. Black. He asked you if you were presenting the different cases prepared by the Advisers. Are you doing that or not?—A. No, sir.

Q. Do you visit the hearings of the Federal Appcal Board?—A. I have never attended the hearings.

Q. Do you not think that would be the only way in which you would have some first hand knowledge of how these men present their cases?—A. Of course, I think it would.

Q. What was the reason for the creation of this position of Chief of Advisers?—A. It was first suggested by the department, sir. I could not say what the actual reason was. I think it was to provide the Advisers with a service here and to co-ordinate the work as far as it could possibly be done.

By Mr. Black (Yukon):

Q. Are you a barrister?—A. I studied law, and practised it for two years.

By Mr. McGibbon:

Q. As no co-ordination has taken place, what services have you rendered?—A. Well, frankly, sir, I do not think I have been able to render very much.

Q. That is a frank answer.

By Mr. McIntosh:

Q. You have been leaving each Provincial Unit to look after itself, and a policy of decentralization more than co-ordination?—A. Up to the moment, yes.

By Mr. Maclaren:

Q. Have you dealt with those points now that you might consider as criticisms of the Soldiers' Advisers; have you dealt with those?—A. The criticisms that have been brought out here?

Q. Yes, that you would consider to be criticisms.—A. Yes, sir.

By Mr. Adshead:

Q. Were you appointed by the government or by the Soldiers' Advisers?
—A. Appointed by the government, sir.

Q. Without any reference—A. Without any reference to the Legion.

Mr. MCGIBBON: I understood this morning we were to hear the rebuttal evidence of the criticism of these Advisers. Is anybody going to give us that?

The ACTING CHAIRMAN: I think Mr. Conroy is going to do so.

By Mr. McLean (Melfort):

Q. Before you call the next witness, I would like to ask if the Soldiers' Advisers now use your office as a clearing house for requests for information or assistance in preparing their cases, or in general procedure?—A. For different reasons, sir—for making searches of the original documents which are with the Department of National Defence and partly to confirm statements made to them by the man himself which are not on the district files. There are other enquiries—cases referred to us to try to find out where the evidence is weak. I do that by taking it up with the Board of Pension Commissioners, discussing the case with them and writing to the officer.

Q. The office is principally used in checking up on the evidence secured, and to strengthen the cases?—A. Yes, to a large extent.

Q. Do they consult you to a considerable extent?—A. Yes.

By Mr. Gershaw:

Q. What office hours do you keep?—A. From 9 in the morning until 5.

By Mr. McIntosh:

Q. Approximately how many enquiries would you have a month?—A. Up to the present I think I have dealt with some 600 enquiries.

Q. Every month?—A. No.

By Mr. McGibbon:

Q. In two years?—A. Yes, in two years.

Q. One a day.

The ACTING CHAIRMAN: I do not know whether the recollection of the other members of the committee is the same as mine. My recollection is that the committee made a recommendation that such an official be appointed for the purpose of co-ordinating the work of Soldiers' Advisers, to act in an advisory capacity, have meetings of these Soldiers' Advisers, so that the difficulty in presenting cases would be discussed. I think that was the real suggestion made by the committee. I think that is how this appointment came to be made. That is my recollection.

Witness retired.

JOHN V. CONROY called and sworn.

By the Acting Chairman:

Q. You are a soldier adviser where?—A. "D" Unit stationed at Toronto.

Q. Are you the only one?—A. The only officially appointed one. Mr. Chairman and gentlemen, may I be permitted to explain in the first instance that I served in the Imperial Royal Navy and the army as well. Previous to coming to Canada I took part in three campaigns. Following my discharge from the Imperial army, I qualified by examination, and secured a certificate and medal for proficiency in mental, medical and surgical nursing. I have, by

examination, secured a certificate of The Medical Psychological Association of Great Britain and Ireland. I have found my experience of considerable assistance to me in the presenting of cases and in the preparation of cases, particularly in their preparation. Almost immediately upon my return from overseas in 1918, I was appointed Secretary for the Great War Veterans' Association, Toronto District, York County. That appointment I held until October, 1923. My duties were principally in the adjustment of Pensioners' applications for treatment for the ex-service men and their dependents, together with any other problem that may affect them, such as re-establishment. In October, 1923, I relinquished my appointment—I may say that during the previous year I acted for the entire Province of Ontario—in October, 1923, I relinquished that appointment in order to take up the appointment of Official Soldier Adviser in "D" Unit, which I believe is one of the largest in Canada, and I hold it up to the present. That, briefly, gentlemen, is my history. Now, I draw up a summary of my work which does not give the full detail, but is not already before your committee. Some of the details are. I thought by drawing this to your attention it would give you some impression of the actual work carried on in my district, and, I presume, it is also the detail of work in other districts. I have presented before the Federal Appeal Board 1,009 appeals. Eighty-two of these were to a single commissioner, and 927 to a quorum. The total number of appeals allowed, of these 927, was 270. The total disallowed was 598; and judgment pending—that is on 31st March, 1930—were 59. That accounts for the total of 927 cases presented. Now, in addition to that I have withdrawn from the Federal Appeal Board 262 appeals which had been filed with the Federal Appeal Board but were conceded by the Board of Pension Commissioners by reason of the evidence secured and submitted.

By Mr. Thorson:

Q. New evidence?—A. Yes. Those two items—that is, 270 allowed by the Federal Appeal Board, and 262 withdrawn from the Federal Appeal Board by reason of the Board of Pension Commissioners conceding pension, make a total of 532. Now, in addition to that, pensions conceded and not filed with the Federal Appeal Board numbered 411, which, otherwise, would have been filed with the Federal Appeal Board had they not been conceded by the Board of Pension Commissioners. That brings my figure up to 943 where pensions have been conceded either by the Federal Appeal Board, or by the Board of Pension Commissioners. I find on analysis that I have had greater success with pensions conceded by the Board of Pension Commissioners than otherwise, which amount to 673, as compared with 270 by the Federal Appeal Board. Many of those cases were old rehashed cases—if I may use the vulgarism—and appeared to be almost impossible.

By Mr. McLean (Melfort):

Q. That is why they came to you, of course?—A. Yes. Of the 411 cases that were conceded by the Board of Pension Commissioners—in the main they were new cases—I had a thorough understanding of these cases by reason of them coming to me in the first instance, and I was able to review the cases thoroughly and secure the evidence necessary and submit it to the Board of Pension Commissioners en bloc. Now, in analyzing these figures of 943 pensions allowed, I find it works out at exactly three cases allowed per week since my appointment in October, 1923, up to March, 1930. Now, in addition to that, these are exclusive of cases of dependency and of reinstatement to pension which had previously been discontinued by commutation or in a case where disability had ceased temporarily—at a rough guess, another thousand; but I would say that there were more than that, sir. I am very conservative in my figures, and the records

will establish by investigation the verification of this. In addition there are a large number of increased pensionable assessment. Taking these figures conjointly—that is the one thousand I have mentioned, together with the 943 previously mentioned, it works out at exactly one case per day, six days per week, since my appointment in October, 1923, up to the present time. I think you gentlemen can judge as to whether I was asleep at the switch.

By Mr. Adshead:

Q. Do you consider that this is typical of all the soldier advisers? I think you said that in your opening remarks.—A. I think so, sir. I am not fully acquainted with the other soldier advisers, because we have never been brought in contact with each other; but in fairness I believe that the same applies to them as to myself.

Q. And why have you not been brought into contact?—A. I have suggested that in many cases in order that we might have co-ordination of the work. I took it up with Mr. Parkinson who was Deputy Minister some years ago and suggested that all official soldier advisers might be drawn together in order that they might consult one with the other at conferences, so that more co-ordinated work might be done and a system of co-operation established.

Q. Did you suggest that to the Chief Soldiers' Adviser?—A. Only recently, sir; but I know that the Chief Soldiers' Adviser has been anxious to have such a conference.

By Mr. McGibbon:

Q. What are the difficulties in the way?—A. The difficulties are various. For example, the Federal Appeal Board may be in session at one or two particular districts which would prevent the O.S.A. attending here. That, I believe, is the main difficulty.

By Mr. MacLaren:

Q. Do you need to travel through the province of Ontario at all, officially?—A. Yes. I submit that it is almost imperative that we should.

Q. Are your transportation charges and expenses met?—A. Yes.

Q. By whom?—A. Through the department. I apply for a warrant from the Department and send in my charge sheet at the end of my journey—on my return.

By Sir Eugène Fiset:

Q. And does that form a part of your allowance of \$1,020?—A. No sir; in addition.

By Mr. MacLaren:

Q. Do you know if that is the general practice?—A. I believe so, sir. It must be. There is no official soldiers' adviser who could afford it from his income.

Q. Perhaps we could hear Mr. Macdonald on that point.

MR. MACDONALD: That is the general practice. The advisers may travel within reason by submitting a statement to the Director of Administration of each district showing the number of men he wishes to see and the length of time he will be away. Then a warrant is issued for that trip.

MR. MACLAREN: So that if he has occasion to go to some point some distance from where he is residing he may do so if he has the opportunity, and his transportation expenses are met?

MR. MACDONALD: Yes.

MR. McLEAN (*Melfort*): Transportation and other expenses?

Mr. MACDONALD: Living expenses while he is away. In that connection, Mr. Chairman, I am of the opinion that personal contact with the applicant, whether new or old, is absolutely essential wherever it is possible. We must study the psychology of the ex-service man. There are men who are educated and able to present the facts to the official soldiers' adviser in ten minutes and give him a bird's eye view of his case prior to enlistment up to post-discharge, but you must take the other individual who is unfortunate and illiterate and unable to present the facts. You have to bring them out by dint of cross-questioning, and that is the reason why I submit personal contact is most essential. I suggested that to the O.S.A.—and I presume that is being done in most districts. They may be gathered in one particular district, and advised that the soldier adviser is going to be up there; journey up and interview these men. Some times these men are at work and only receive temporary employment. They are anxious not to lose employment for fear of not being taken on again; you then have to interview these men when convenient, and advise them as to the evidence. Then you have the men who are unfortunate, who are not able to secure the evidence that is required, although there are means by which it can be done. In that case the soldiers' adviser must go after that evidence, if he is to do justice, both medical and otherwise. Then there is the case of the man unable to secure evidence at all by reason of belonging to the floating element. He may live in Quebec for six months and then journey to the western provinces, then back again, and over to the United States. There are not very many of that class, but there are some, and it is rather difficult to secure the evidence.

Mr. ADSHEAD: You gave a number of statistics as to what you had done, and so forth?

The WITNESS: Yes.

Mr. ADSHEAD: Do you know if it is the duty of the soldiers' adviser to report, and do they ask you to make a report?

The WITNESS: No, sir; we have not been asked to report until Mr. Macdonald asked us for one, which I submitted some weeks ago.

Mr. ADSHEAD: Have the other soldiers' advisers been asked for a report similar to yours?

The WITNESS: I understand so.

Sir EUGÈNE Fiset: Have all soldiers' advisers made those reports?

The WITNESS: That is what I understand, but they are not so ample as mine, and that is the reason why I thought I would take the liberty to present these figures.

Mr. ADSHEAD: Have you asked other soldiers' advisers for a report, Mr. Macdonald?

Mr. MACDONALD: I have reports from others, but they do not cover the ground as thoroughly as Mr. Conroy.

Mr. ADSHEAD: They give statistics.

Mr. MACDONALD: They give statistics; I have those files.

Mr. ROSS (*Kingston*): Could those reports be put on the table?

The CHAIRMAN: We will go back to them, they should be filed.

Mr. McGIBBON: Have there been no reports except these?

Mr. MACDONALD: The only reports the Department asked for; letters and interviews.

Mr. McGIBBON: No general report.

Mr. MACDONALD: No general report.

Mr. THORSON: Perhaps it would be well to have all these reports filed.

The WITNESS: Mr. Chairman, we do render a monthly report.

Mr. ADSHEAD: To whom?

The WITNESS: To the Department; the number of interviews taken and incorporated in that report is the regimental number and name of the individual interviewed.

Mr. THORSON: Was there a similar report made by the other soldiers' advisers to the Department?

Mr. MACDONALD: Yes, all soldiers' advisers put in a monthly report.

The ACTING CHAIRMAN: On page 11 of the typewritten, and page 333 of the printed, that shows the report you are referring to.

The WITNESS: I might add, Mr. Chairman, that our duties are not confined to the applications for pensions or treatment, or the presentation of the cases, but our duties are any problem that may affect the ex-service man or his dependants. By way of illustration, I may say that the Sunday morning previous to my leaving home I had a telephone call at one o'clock from an ex-service man who was out of employment. His wife was about to be confined and he did not have the wherewithal to meet the expense. She was in immediate need of nursing and medical assistance and he telephoned me to ascertain if that could be done. That was one o'clock Sunday morning, and it will give you an idea of the ramifications of our work—unemployment and all that kind of thing—so that therefore we are not confined to the work of pensions and treatment.

Mr. THORSON: Do you look after, or do you have anything to do with applications for relief to the Department?

The WITNESS: We have many. I may say, that out of my salary, in addition to paying office rent and telephone, I have to meet doles out of my own pocket. A man may come in not having had anything to eat from the day previous. You cannot turn that man away without giving him something. We have no fund at our disposal to meet an emergency of that kind. There is the canteen fund, but the legislation governing the canteen fund does not permit the relief being given to any man who is drawing a pension, or to a commuted pensioner. A man may be drawing five dollars a month, a five per cent disability, for himself and his wife. He may be 100 per cent V.D.H., or arterio sclerosis, absolutely unemployable in the general labour market, and he has only five dollars a month to exist upon, yet the canteen fund cannot provide him with relief. There is also the poppy fund, but there are times when that fund becomes depleted, and candidly, I cannot say I have had much success with the poppy fund. I do not want to criticize adversely, probably they have no funds at their disposal.

Mr. BLACK (*Yukon*): You say 5 per cent pension and 100 per cent disability; is that due to service?

The WITNESS: No, only 5 per cent may be due to war service. He may have a gunshot wound or flat feet, and later has developed other disabilities, post-discharge, which cannot be attributable to military service.

Sir EUGÈNE Fiset: Even if the benefit of the doubt were given to those people?

The WITNESS: There are many cases where it might be given if the Pension Act was enlarged to permit the Board of Pension Commissioners to do that. I have always found the Board of Pension Commissioners most sympathetic in any cases that I have brought before them. I do not say this because Colonel Thompson and his colleagues happen to be here, but my figures submitted here this morning, speak for themselves.

Sir EUGÈNE Fiset: They are tied by the four corners of the law.

The WITNESS: That is so.

Mr. McINTOSH: You practically take action on every soldier's complaint presented to you?

The WITNESS: Not every one, but I should say 95 per cent. I have brought, for example, on this trip, a petition praying the Minister of Justice for the release of a prisoner from Kingston penitentiary, who has been sentenced for a demeanour. He has a wife and two children, dependants, who are very ill. That is one item. Then I have also had widows who have consulted me because of their husband's desertion; also cases of ex-service men consulting me regarding divorce and many other problems of like character. As to unemployment at the present time, we are absolutely inundated. There is a constant stream of men calling at my office, with a view to finding some form of employment.

Mr. THORSON: Your duties are not confined to making applications for pensions?

The WITNESS: By no means. My office is open from nine o'clock in the morning until seven o'clock and frequently I do not leave until ten o'clock at night. I have a wonderful stenographer; she was working in the Department for five years prior to coming to me. Her salary at that time was ninety dollars a month. She has been with me the past four years, and had she remained with the Department—they are anxious to have her back—she would now be receiving one hundred and fifteen dollars a month while I can only get her eighty-five dollars. In my office she works from nine to twelve and has one hour for lunch, whereas she would have an hour and a half if in the Department. Then she works from one to five, six, and sometimes seven; in the Department she would be through at five, and in the summer time at half past four. She would have three weeks' holidays with the Department, while she only has two weeks with me. Incidentally, gentlemen, I have not had a holiday since my appointment in 1923, by reason of the work I have to do.

By the Acting Chairman:

Q. Do you consider you are a part time employee?—A. I am told that, but I am more than a full time one.

Mr. ROSS (Kingston): We would like you to finish your report.

WITNESS: I thought some questions might be asked.

By Mr. Ross (Kingston):

Q. Perhaps you should finish. We would like to hear all about this beautiful stenographer.—A. She is getting on in years, sir.

By Mr. Adshead:

Q. You say she is just getting \$60 a month?—A. No, \$85.

By Mr. Ross (Kingston):

Q. Your report is very interesting, but have you come across cases where you were able to advise the soldier, the ex-service man—"Now the evidence shows you have no case."—A. Yes.

Q. Was he willing to accept that, or did he still want to go on with the appeal?—A. Yes, sir; in some cases they have. If I may refer back to my report again, I find "Withdrawn on appellant's request, seven."

Q. That is upon your advice?—A. Yes.

Q. Seven in seven years?—A. Seven in six and a half years, but the majority of them insist, and they are entitled by act of parliament, to present their case to the Appeal Board. However, it is more than the official soldiers'

adviser's position is worth, were he to refuse. In fact, he has no right to refuse. Were he to refuse, Members of Parliament and Prime Minister, together with the Minister of the Department, would be inundated with letters of complaint.

Q. What I gathered some time ago was that if your good advice had been followed, a lot of those cases would not have come up.—A. Yes.

Q. Now, I do not agree with that. They all want to go to the Appeal Board.—A. Yes. May I submit, in connection with that, two cases I draw at random, which I will file. This is a case of a man by the name of Gouldby, Number 679082. I go on to explain the details. This is a case where I could not see the man personally, and I had to write him. My paragraph reads:—

I, however, would again advise as to the absolute necessity of securing the evidence suggested during our interview.

Without the additional evidence of pre-enlistment good health, and post-discharge condition, your case, as pointed out verbally, is very weak.

I did not even get an acknowledgment to that letter, but the man persisted, and I had no alternative but to present the case to the Appeal Board.

Q. You gave him good advice?—A. Yes, sir. I have another one here. The paragraph reads:—

I would remind you that on July 24th, 1928, I wrote you suggesting the evidence you should secure, etc., and am enclosing herewith a copy in case the original has been destroyed.

If you are able to secure the evidence, kindly forward it on to me, when I shall be glad to make further representations in your behalf.

By Sir Eugene Fiset:

Q. Then, in your opinion, if provincial courts are being established to deal with soldiers' problems, do you think all those cases which have been reviewed, will have to be reviewed again by those courts?—A. I am of the opinion that a large majority of them should be, in fairness to the men, because of lack of preparation of the case.

By Mr. Thorson:

Q. Are there many applicants for pensions, who come to you in the first instance, before making application to the Board of Pension Commissioners?—A. I think my answer on file—"Pensions conceded in cases in file with F.A.B., 411." I think that pretty well covers it.

By Sir Eugene Fiset:

Q. Do all those cases belong to the Legion?—A. No, sir. I was going to touch upon that later. But without the assistance of the Legion, Dominion and Provincial, and several posts throughout Ontario, and in some cases outside of Ontario, I would not have had the success that I am showing on these statistics.

Q. What I want to ascertain is if those cases were not brought forward through the Legion channel, were they brought forward through some other channels, semi-official?—A. Yes, for instance, a man may write the member for his constituency, or write to the minister, and they, in turn, refer him to me, or forward me the letter, and I consider his letter, and I get in touch with him.

By Mr. Adshead:

Q. Do you find any difficulty in getting evidence from the man's file?—There is no file.

Q. There is a file in Ottawa concerning the man, surely.—A. Not unless he has made a previous application.

Q. It must be somewhere.—A. There would be the service file, his military and medical documents.

Q. Can you get access to that?

By Sir Eugene Fiset:

Q. Do you get the documents in the district every time?—A. No, sir. I invariably write the official soldiers' adviser, if there is no unit file requesting that the medical documents may be reviewed and to advise me as to date of enlistment, service in France, if any, and date of discharge, with cause; hospitalization, if any, and cause, then I have a bird's eye view of the man's service.

Q. In other words you get a precis of the file?—A. Not a complete precis. I think it is desirable that they should be complete.

By Mr. Ross (Kingston):

Q. You get all that you ask for?—A. Yes, I am not denying that.

Mr. McLEAN (*Melfort*): It is complete so far as you are concerned.

By Sir Eugene Fiset:

Q. Did you ever make any application to headquarters to have a complete file of the applicant sent to you?—A. No, not to my office, I am debarred from that.

By Mr. Adshead:

Q. You are not barred from getting anything else you want to know?—A. I am permitted to examine the file in the presence of an officer.

Q. You have to come to Ottawa?—A. No; in Toronto, D unit file, not the headquarters file.

Q. Is there anything in the headquarters file that might be useful to you?—A. Yes, very often.

Q. But you do not get it?—A. I should say at least 60 per cent of the unit files are incomplete in comparison with the headquarters files.

Q. How do you get the rest of that information?—A. I might say that the official soldiers' adviser—I take it this applies throughout the Dominion—is seriously handicapped by reason of the incompleteness of the unit files, and he has no means of ascertaining whether there are any documents on the headquarters file that do not appear on the unit file, but when a case comes on before the Appeal Board, they examine the headquarters file, and draw up a list of documents.

Q. You have not got that.—A. No. The official soldiers' adviser receives a copy; in some cases it is within a reasonable time previous to the appeal being called, but in other cases only within a short time. He then examines the unit file, and he finds that there are some documents that are relevant, that do not appear on the unit file, then the officer in charge of the unit, writes Ottawa requesting copies of these documents to be forwarded to them. The official soldiers' adviser then has the details before him.

By Mr. MacLaren:

Q. Mr. Conroy, we have had evidence that in a number of instances the unit files have information and entries which the headquarters file had not.—A. That is true.

Q. Do you find that still?—A. Yes, but not as frequently as in the other case.

Q. So there are, apparently, deficiencies both in the unit file and in the headquarters file?—A. Both, but not so much in the headquarters file.

By Mr. Adshead:

Q. But if you should find evidence in preparing an appeal that had not been presented to the Board of Pension Commissioners, you could not submit that evidence to the Appeal Board; you have to refer it again to the Board of Pension Commissioners?—A. Yes, and in fairness to the Board of Pension Commissioners, they should have it, in my opinion, because, after all, they have made their ruling on the file in the absence of that evidence, and they should have it before them.

By Mr. Black (Yukon):

Q. Is not the file before them?—A. Yes, but all documents may not be on the file. I will give an example. It was my practice formerly, to send in evidence to the unit, that is the medical certificate, together with lay evidence, to the unit, original and copies, with the request that the originals might be forwarded to headquarters. Upon examination of the file later, I found that neither had been forwarded to headquarters, and therefore, the Board of Pension Commissioners did not have the advantage of that evidence when they were ruling on that case. The result was that I had to request that that be sent, and I got the ruling later, in some cases, that that evidence was responsible for establishing the right to pension.

By the Acting Chairman:

Q. You wrote a letter asking for a list of things in the way of information. To whom were you writing those letters?—A. To Mr. Macdonald, Chief Soldiers' Adviser.

Q. At some stage in the case, on the application for pension or appeal, either from Mr. Macdonald or your own organization, you get all the information you ask for, on the file?—A. Yes, but even then it is not complete. I am of the opinion that a complete precis of the military and medical documents should be placed at the disposal of the soldiers' adviser immediately.

By Mr. Ross (Kingston):

Q. Have you made recommendations, or are you prepared now to submit in writing a list of recommendations that you think would be useful in this work?—A. Yes, sir; I would have made some, but I thought I would not be granted the liberty of such a concession.

Q. I thought, if you could give us a full list of this written out, you could submit it to us later.—A. I would be very glad to do it.

By Mr. Thorson:

Q. Showing how the work of the official soldiers' adviser might be improved?—A. I would be very glad to submit that, and if permitted, Mr. Bowler and I could co-operate because Mr. Bowler was official soldiers' adviser from September, 1923, until very recently, and I believe he has been about the most successful soldiers' adviser in Canada.

By Mr. Ross (Kingston):

Q. Could you have that ready for our next meeting?—A. Yes, I think so.

By Mr. Thorson:

Q. The committee would welcome that.—A. I should be very glad indeed to draw it up.

Q. That can be filed with the day's proceedings.—A. I am anxious to get to my work; I could leave it in the hands of Mr. Bowler or Mr. Macdonald who, in turn, could hand it in.

By the Acting Chairman:

Q. In connection with my inquiry, I do not want to put you in wrong, or understand you wrongly, but Colonel LaFlèche suggests that there is certain information on the file of the Pension Board that you are not entitled to get.—A. That is the medical precis.

Q. You may only ask for those things that you are entitled to, and there are certain things you cannot get.—A. Yes.

Q. Now, what is that?

Mr. MacLAREN: The investigator's report.

By the Acting Chairman:

Q. Outside of that?—A. As far as I know, we get the investigator's report; I have never been denied the investigator's report. Invariably they are on the file. I have not known any case where I suspected investigation had taken place that it was not on the file.

By Colonel LaFlèche:

Q. It is the district document, not the headquarters' document?—A. Of course, I have to depend entirely on the list of relevant documents sent by the Federal Appeal Board, whether there has been an investigation or not, but in the case not going to appeal, then of course, I know nothing of that, and therefore I have not had the advantage of scrutinizing it.

By the Acting Chairman:

Q. Is there any information on the headquarters' file that you require, that you cannot get by asking for it?—A. It is rather a hard question to answer, sir. I should like to see the precis drawn up by the medical adviser.

Q. By the medical adviser?—A. Yes, not for reasons of criticism, but none of us are infallible and there are times when even the medical officer, who has been very careful, may have omitted in going over it, some important detail which has escaped his notice, and which, on the other hand, the soldiers' adviser may remedy by pointing that omission out. I have never yet—and Colonel Topp is present—made it a practice to criticize the medical adviser to the Board of Pension Commissioners, nor yet the Board of Pension Commissioners, or investigators; in the case of the latter, unless they richly deserved it.

By Mr. Ross (Kingston):

Q. Still, there are some times when you could combat certain evidence against your applicant if you knew what the investigator's report was.—A. Yes.

Q. And you are denied that?—A. Yes.

Q. In the investigator's report?—A. Yes, we have had cases where investigators have gone out of their way to secure evidence against the man rather than in his favour.

By Mr. McLean (Melfort):

Q. Were you able to get the report?—A. Oh, yes, I have had access to the report, but it is very seldom that does happen; not recently, to my knowledge.

By Mr. Thorson:

Q. Access to the investigator's report has never been denied you?—A. The medical report, yes.

Q. No, the investigator's report.—A. No.

Q. You have no access to the medical precis?—A. No.

By Mr. Ross (Kingston):

Q. Here a man is charged, and an investigator is sent out; she finds that this man has been a continual drunkard. We could not get anything on that case, but we knew they were dealing with the wrong man although of the same name.—A. Yes.

Q. That was denied for years, but we could not get that information.—A. The official soldiers' advisers have access to the file, and by dint of cross-questioning, through personal interview, would soon be able to remedy a case like that, provided he had access to the complete file, and I believe the Board of Pension Commissioners would recommend such assistance.

By Mr. McLean (Melfort):

Q. I judge from your reply to General Ross that you do not have access to the investigator's file, but from your previous statement and your answer to my question, I understood you to say that you did have access.—A. To those that appear on the unit file.

Q. Do you know of any investigator's file that you do not have access to?—A. Not that I am aware of.

Q. You do not mean to give the general impression that you are not able to get this file?—A. I did not intend to create that impression, sir.

By Mr. Ross (Kingston):

Q. Do you mean the file, or do you simply get a summary?—A. I get the entire file, and if those documents are listed as relevant documents the entire documents appear, or are sent on to the unit file.

Q. But you cannot get the name of the party giving such information; you ought to have the privilege of bringing that party up to give that information, but you cannot do that?—A. Yes. The name appears on the investigator's report.

Mr. Ross (*Kingston*): I have been refused that quite often.

By Mr. MacLaren:

Q. There seems to be confusion on this point, and I should like to have it cleared up. Apparently, according to the witness, there is an investigator's report which is filed with the unit. Secondly, there may be another entirely different investigator's report that is filed at headquarters. My questions have been in connection with the headquarters, but the witness is giving evidence on the unit.—A. Yes.

By the Acting Chairman:

Q. My understanding was that the investigator's report was filed at headquarters, and that a copy of it was sent to the unit. What is the correct situation as to the investigator's reports?—A. There are two investigator's reports. One is on the strength of the unit. The investigator goes out and investigates and submits his report.

By Mr. Thorson:

Q. To whom?—A. To the unit, and the original is sent on from the unit to headquarters.

Q. Headquarters of the Board of Pension Commissioners?—A. Yes, sir, or to the department, whichever it may apply to. Therefore the two files are

complete in that respect, but there are instances when an investigator from headquarters may be sent out and he would submit his report to headquarters.

By Mr. Adshead:

Q. Not to the unit?—A. Not to the unit.

By the Acting Chairman:

Q. Is a copy of that sent to the unit as a regular thing?—A. Not always.

Q. Do you get a copy of that on request?—A. If it is listed with the list of relevant documents with the Federal Appeal Board. That is the only means I have of securing any knowledge—

By Mr. McIntosh:

Q. You take what they give you?—A. That is right.

By the Acting Chairman:

Q. And your official adviser at Ottawa central office is allowed to go over all those files and check up what information is there?—A. I cannot say that, sir.

By Mr. McLean (Melfort):

Q. Have you ever been refused such investigator's file from headquarters or Board of Pension Commissioners' file when you have asked for it?—A. On one occasion I put in a call for certain documents. No, I am wrong there, sir. There were documents which were on the unit file which I submitted should have been on headquarters file to be considered by the Board of Pension Commissioners.

Q. Investigator documents?—A. No, sir, they were medical documents.

Q. We are dealing with investigators' reports, and I should like to know, first, if when an investigator goes out from headquarters and his report is sent into headquarters a copy of it is sent on to the unit, and if you had ever asked for such a report and been refused?—A. I do not know of the existence of such a report unless the case comes up for appeal and that document appears on the list of relevant documents.

Q. I am asking if you have ever asked for such documents and been refused?—A. I have never asked because I did not know of its existence.

Q. Knowing that the practice exists of having investigators' headquarters files, I suppose you ask for such a report in a routine way, the same as any other document that you may consider of importance?—A. Yes.

The ACTING CHAIRMAN: With the permission of the committee I should like to ask Mr. Barrow, Adjustment Officer of the Canadian Legion, if he has in all cases the right to see the whole file of the soldier he is acting for, or if anything is refused him.

Mr. BARROW: Nothing is refused me, sir. I do not know whether technically I have the right or not, but I seem to have perfectly free access.

The ACTING CHAIRMAN: To all files?

Mr. BARROW: As far as I know.

Sir EUGENE Fiset: Including the medical precis prepared for the board?

The ACTING CHAIRMAN: Well, let him answer.

Mr. BARROW: The medical precis is frequently produced, for instance, when I am interviewing Dr. Kee.

The ACTING CHAIRMAN: I would like to get this thing clear in my own mind, Mr. Barrow. If you are acting on a pension application, in any way at all, at any stage of that application, do you have the permission of the officials of that department to see all the files and look them over yourself if you want to?

Mr. BARROW: No, I have no permission to—

The ACTING CHAIRMAN: Do they allow you to?

Mr. BARROW: Almost invariably I make it a practice to see one of the doctors. I find it helpful if he has the file. I do not have the file. I may sit beside him or I may not. I will say I have access.

Mr. THORSON: You do not actually ask to see the file; it is the documents on the file.

Mr. BARROW: I think I do. I do see the file in discussing the case with the doctor.

Mr. MACLAREN: Does that include the investigator's report, if there is one?

Mr. BARROW: Yes.

Mr. MACLAREN: At headquarters.

Mr. BARROW: Yes. I am not refused permission to see any documents on the file.

Mr. MACLAREN: No, but it is on that file, is it?

Mr. BARROW: Yes, the investigator's report is on that file.

Mr. ADSHEAD: So that all documents that are on the file you can see if you ask.

Mr. BARROW: Well, I do not know, I imagine I can.

Mr. MACLAREN: Do you ask if there is an investigator's report on the file, and if so may you see it?

Mr. BARROW: I frequently ask if there is one, or I am told. The question does not arise very often.

Colonel LAFLÈCHE: With your permission, Mr. Chairman and gentlemen of the committee, I would like to ask Mr. Barrow a definite question. As adjustment officer of the Canadian Legion, Mr. Barrow, when you see the file, as you have told us, it is not in your possession. You discuss the contents of the file with the gentleman with whom you are discussing the case. In other words, you discuss points in connection with the file when they are mentioned to you, but you have not the file in your possession for perusal and research.

Mr. BARROW: That is true. I interview Dr. Kee, for instance, and by tracing back some particular point—

Mr. ADSHEAD: Do you trace it back?

Mr. BARROW: Yes, by questioning.

Colonel LAFLÈCHE: You question him and the gentleman looks up the point because he has the file, and he says, "Here is such and such a report."

Mr. MACLAREN: When you are discussing the matter with Dr. Kee or one of the other officials the file is there, is it not?

Mr. BARROW: The file is there.

Mr. MACLAREN: And you see the file?

Mr. BARROW: Yes.

Mr. MACLAREN: And you have an opportunity of reading what is on the file?

Mr. BARROW: Yes.

Colonel LAFLÈCHE: You have not got the file, Mr. Barrow. Then how can you find out what is on it? You read a document when it is shown to you, but you do not read the whole file, or do you?

Mr. BARROW: If I want to, I ask Dr. Kee to turn up such and such a document. The file is on the desk in front of the medical adviser.

Colonel LaFLÈCHE: In other words, do you come into possession of the file?

Mr. BARROW: No.

Colonel LaFLÈCHE: Do you consider that it would benefit your work, or the claimant, if you did have full access to all files? In other words, can you say that you know all the facts of the case without having yourself gone through the whole file? Can you say that you have full information without yourself having searched the file from end to end?

The ACTING CHAIRMAN: When he asks for the file the doctor produces it, and he looks it over and reads it as he likes.

Mr. BARROW: Occasionally that does happen.

Colonel LaFLÈCHE: I would like a definite answer to my question. If you had the file in your possession, and you could look through all the documents one by one would that be an additional benefit to the claimant on whose behalf you are appearing?

Mr. BARROW: Where I think it would be I do ask for the file myself; it only happens very occasionally, and the file is passed in front of me and I turn over the sheets.

Colonel LaFLÈCHE: Mr. Chairman, with your permission, might I ask another one of our service bureau officers to give his opinion.

The ACTING CHAIRMAN: Mr. Barrow, Colonel LaFlèche has asked you a question that could be answered, yes or no.

Mr. BARROW: Well, I think I am answering the question. As I say, it does happen.

Mr. THORSON: Colonel LaFlèche asks you a very simple question whether it would be of advantage to you to have the opportunity of reading the whole file yourself, from start to finish. Now, that can surely be answered, yes or no.

Mr. BARROW: Well, I would answer yes.

Mr. McLEAN (*Melfort*): A question arises out of that last question, Mr. Barrow. Do you have permission or liberty, or otherwise, to go over that file?

Mr. BARROW: I have not been refused permission to do that.

Mr. McINTOSH: You can make a research of the file if you want to?

Mr. BARROW: Yes.

Mr. GERSHAW: The present practice does not hamper you in preparing your case?

Mr. BARROW: No. There is a point there, however. In going over a case I may not know of some document that might have a bearing on the case. I might ask for the file and it might not come to notice, but I do not think that happens to the best of my knowledge.

Mr. HEPBURN: The whole thing is this, are we or are we not going to let the file go out of the possession of one of the doctors into the hands of the adviser.

The ACTING CHAIRMAN: The point, as I understand it, is merely this: Mr. Barrow goes there to get information. He asks for certain information in some cases, and the doctor may read that to him from the file to start with. In some cases he is handed the file, but the point is, should he have the right to take that file and sit down in the office, not taking it out of possession at all, and read it all if he wants to.

Mr. HEPBURN: I do not think that privilege has been denied him.

The ACTING CHAIRMAN: That is the point, I think, that Colonel LaFlèche wants to make clear.

Colonel LAFLÈCHE: Sometimes if he asks a question about a certain document, he is shown the document, but on the other hand he tells us that he is not given the complete file, to read document by document. With your permission, Mr. Chairman, I would request you to permit me to put that question to another gentleman here who has had long experience in the very same kind of work as is now being done by the witness, Mr. Conroy. I would like to put that question to Mr. Bowler, because I think it is very, very important.

The ACTING CHAIRMAN: Before you ask Mr. Bowler the question I would like to get this thing definitely settled one way or another, that is, whether Mr. Barrow has ever been refused an opportunity to see any documents on the file that he knew of.

Mr. BARROW: No, absolutely not.

The ACTING CHAIRMAN: And, secondly, whether, if he asked for an opportunity to read it over, if he has ever been refused.

Mr. BARROW: No, I have not. Of course, I have never asked to take a file from the office. I might have more leisure, perhaps, but the question has not arisen.

The ACTING CHAIRMAN: Would you like to ask Mr. Bowler his experience?

Col. LAFLÈCHE: With your permission, Mr. Chairman and gentlemen of the Committee, I should like to ask Mr. Bowler this question: Would it facilitate the work of the soldiers' advisers and those representing the claimants or the claimant himself, if he is preparing his own case, to have possession of all files relating to the applicant for his personal research and perusal?

Mr. BOWLER: The answer to that, sir, is yes. The representative of the soldier ought to have full access to all files or documents that are in existence and which have any bearing on the question.

Mr. ADSHEAD: In previous cases has that been a right; had they the right to demand that?

Mr. BOWLER: It is the right of the official soldiers' adviser providing he gets the signed authority of the man; excepting, as Mr. Conroy has pointed out, that we do not get the precis. Soldiers' advisers have not got the precis for the last four years.

Col. LAFLÈCHE: Do you get the headquarters files in all the districts?

Mr. THORSON: You get unit files in your own district. You do not get headquarters files?

Mr. BOWLER: No, sir. The headquarters files are not sent out to the districts. Mr. Conroy has explained that procedure. Someone in Ottawa is entrusted with the task of preparing a list of documents which are considered for the present to have a bearing on the case, to be relevant. That list is sent to the unit. It is checked over with the unit file. If there are any missing, they are sent for.

Mr. THORSON: That is done only in cases going to the Federal Appeal Board?

Mr. BOWLER: Only in cases going to the Federal Appeal Board. It does not apply to any other case.

Mr. HEPBURN: Do you see a certain danger if this practice were adopted, where files could be sent out in that way, if someone took an important document out of an original file?

Mr. BOWLER: Not in the case of a responsible representative.

Mr. HEPBURN: I know all about the responsibility, and we agree that practically all of these men are responsible. There is that danger, that a document could be taken out of the original file without certain supervision.

Mr. BOWLER: A soldier representative would have no objection to an official of the department being there while he had the file.

Mr. HEPBURN: That practice is in operation now. The official can go in to the doctor and go over the files from one end to the other.

Mr. BOWLER: In regard to the official soldiers' adviser, that is so in so far as the unit file is concerned.

Mr. ADSHEAD: But not so far as headquarters files are concerned?

Mr. BOWLER: The soldiers' adviser of the district never sees the headquarters file unless he is in Ottawa.

The ACTING CHAIRMAN: You are here dealing with headquarters staff. Now, are you allowed to look at the whole file at headquarters when you want to?

Mr. BOWLER: I am not an official soldiers' adviser; no sir.

The ACTING CHAIRMAN: You are not?— Mr. Barrow is the man.

Mr. BOWLER: Mr. Barrow is Canadian Legion Headquarters Bureau Adjustment Adviser; I am Canadian Secretary of the Canadian Legion.

The ACTING CHAIRMAN: Is there anybody in Ottawa who has a right, on behalf of the applicant for pension, to go to headquarters and ask for the files?

Mr. THORSON: Has not the Chief Soldiers' Adviser that right?

The ACTING CHAIRMAN: I was wondering if they knew who did that searching at headquarters. The Chief Soldiers' Adviser has already stated that he assists only in a limited way in preparing these cases, and I take it that Mr. Barrow or Mr. Bowler did a lot of that work in preparing cases.

Mr. SPEAKMAN: I should like to ask Mr. Conroy a question. We have heard certain criticism of soldiers' advisers, and it has been suggested that the cases have not been properly prepared and because of that lack of preparation many cases have not been granted that might otherwise have been. Again, it is obvious that no case can be properly prepared unless the soldiers' adviser is satisfied that he has reasonably free access to any document which may be relevant to the case, whether unit or headquarters.

Mr. BOWLER: Absolutely.

Mr. SPEAKMAN: Either headquarters or their representative whom you can trust. He is not relying upon some list of relevant documents that may be supplied but he must satisfy himself that he has free access to all evidence, all records, all files which may have a bearing on the case. It is obvious that the case would not be properly prepared without that free access.

Mr. BOWLER: Yes.

Mr. SPEAKMAN: I hope that in the statement he will make some suggestion which will completely cover that point. To my mind it is a point of very great importance, and so far as I have been listening to the evidence, I am not satisfied or sure yet whether the soldiers' adviser has that free and reasonable access to all documents so that he himself or through a representative whom he can trust, who is also acting for the man, may be certain that he is seeing not a certain specific document, not just a document of which he may have knowledge, and for which he may ask specifically, but all documents. I think that is a most important point. It is a matter of right, because that would be what you require, the facilities you require, to prepare a case properly. And I should like to know if that is the case at the present time, and I should like to hear a suggestion made by Mr. Conroy or Mr. Bowler to meet that situation.

The ACTING CHAIRMAN: I understood, Mr. Speakman—if I am wrong, I wish Mr. Bowler to correct me—on any application for pension on which he is working, he can, by having a written instruction from the applicant, have access to all files. Am I right there?

Mr. BOWLER: That is so in regard to cases which are going to the Federal Appeal Board; but in every case it works out that the soldiers' adviser in the district gets only the unit file and copies of documents that some person here considers to be relevant.

Mr. HEPBURN: Mr. Bowler, you spoke of the unit file. The original file should be kept up to date. Everything on the original file should be on the unit file.

Mr. BOWLER: Undoubtedly so.

Mr. HEPBURN: Free and reasonable access should be given to the soldiers' adviser under supervision of some official of the department.

Mr. BOWLER: There is no objection to that.

Mr. HEPBURN: That is all that is necessary, and that should be done.

Mr. SPEAKMAN: That is not the case at the moment.

Mr. HEPBURN: Only in so far as the files are not kept complete. I am speaking of the case where a man has been given a file under the supervision of the doctor.

Mr. SPEAKMAN: The district soldiers' adviser is not in a position to go through the files in Ottawa.

Mr. BOWLER: He has no guarantee that it is a correct duplicate.

Mr. SPEAKMAN: He has no guarantee that it is an accurate duplicate. I am speaking regarding suggestions to be made as to the means of doing that. I think it may be done through the Chief Soldiers' Adviser if he does his work as it should be done.

Mr. McLEAN (*Melfort*): It is done now, according to the evidence this morning.

Mr. SPEAKMAN: Mr. Conroy heard the question, and the answer will be found in the suggestion he is laying before us. To my mind it is a very important point.

The ACTING CHAIRMAN: I should like to ask Mr. Hale, the other soldiers' adviser—

Mr. THORSON: He is not a soldiers' adviser.

The ACTING CHAIRMAN: Well, an adjustment adviser. I should like to ask Mr. Hale if he has access to all files on behalf of the soldier for whom he is acting.

Mr. HALE: I would say this, Mr. Chairman, that there is reasonable access to the files; that is to say, we can go down there and discuss the case with the Medical Adviser and the file is on the table. The Legion Adjustment Advisers are not exactly in the same position as the personal soldiers' advisers. Therefore, as a matter of courtesy, we do not ask to see the files. Usually, as a matter of courtesy, the doctor passes the files over.

Mr. ADSHEAD: As a matter of courtesy?

Mr. HALE: As a matter of courtesy.

Mr. ADSHEAD: Not as a matter of right?

Mr. HALE: No.

Mr. McLEAN (*Melfort*): Can you tell me if any file has been asked for by you or any advisers in the same capacity and you have not been able to study it yourself in the presence of a doctor?

Mr. HALE: The files? I do not ask to see the files. I will explain; because, as a matter of courtesy, the doctor usually has the file there.

Mr. McLEAN (*Melfort*): But you do often see them?

Mr. THORSON: As a matter of fact, it is frequently of great assistance to you to have the medical adviser there?

Mr. HALE: Yes.

Mr. THORSON: It is of great assistance to you to have him there to discuss the salient points of the case with him?

Mr. HALE: Absolutely. You make much better progress.

Mr. THORSON: You make much better progress than if you read the file over from the beginning yourself?

Mr. HALE: Yes.

The ACTING CHAIRMAN: There are certain things that will have to be filed for the report.

Mr. THORSON: And there are the suggestions of Mr. Conroy and Mr. Bowler to be filed.

The ACTING CHAIRMAN: Mr. Macdonald will file the reports that have been referred to, and they will go in as an appendix to these proceedings. Mr. Conroy and Mr. Bowler will file suggestions for remedying any defects there are.

Mr. CONROY: Before closing, Mr. Chairman, may I be permitted to place myself on record as appreciating the wonderful assistance that has been extended to me by the Canadian Legion, Dominion Headquarters, provincial headquarters, Christie Street Hospital and the other branches, as well as the Amputations Association and the Pensioners' Association in Toronto. Without their assistance and co-operation—and it cost them quite a lot of effort—I should not have been half as successful.

The ACTING CHAIRMAN: Colonel LaFlèche will be ready to discuss matters at the next meeting which will be Tuesday at eleven o'clock.

Mr. THORSON: What do we discuss?

The ACTING CHAIRMAN: Col. LaFlèche is going to discuss the machinery of the Pensions Board.

Col. LAFLÈCHE: Mr. Chairman, if I might say so, I should like very much to put in at as early a date as possible our considered views on what is known here as revised machinery in connection with the Pensions Board.

The ACTING CHAIRMAN: You want to speak on it?

Col. LAFLÈCHE: Yes, sir; at the earliest moment.

The Committee adjourned until Tuesday, May 6th, at 11 a.m.

APPENDIX No. 11

Reports of Official Soldiers' Advisers from Various Units submitted by
Mr. Kenneth G. Macdonald, Chief Official Soldiers' Adviser,
Ottawa.

APPENDIX No. 11

Charlottetown, P.E.I.,

March 6, 1930.

Department of Pensions and National Health,
Daly Building,
Ottawa.

Att. Chief Official Soldiers' Adviser

General Conference.

DEAR SIR:—The memorandum from the Dept. of P. and N.H. sent to all Soldiers' Advisers with reference to a general conference has been received by me.

With reference to the information asked for in the memorandum, the answer would be about as follows:

- (1) 96.
- (2) (a) 33 (b) 53.
- (3) 19.
- (4) 19.
- (5) (a) 5 (b) 12 (c) 1.
- (6) 1.
- (7) 230.
- (8) (a) 4 (b) 1.
- (9) None.
- (10) Travelling during 1929 has not been great and no accounts have been sent out for such.

Any visits made by me have not cost the department any transportation fees as my own automobile has been used entirely saving time and other expenses.

Being away from M.D. 6 Headquarters, it is difficult for me, or almost impossible to get transportation warrants when required and I have therefore ceased asking for them.

I think this office would be in better condition to visit the soldiers requiring interviews if it was not necessary to report to Halifax asking for transportation.

In my opinion a book of warrants should be available to the Soldiers' Adviser so that he may use them at an hour's notice instead, at present, having to wait several days.

Yours truly,

H. D. JOHNSON,

Official Soldiers' Adviser.

REGINA, SASK., 25th March, 1930.

K. G. Macdonald, Esq.,
Chief Official Soldiers' Adviser,
Dept. of P. and N.H.,
Ottawa, Ont.

DEAR SIR:—Referring to your circular letter of 22nd February, reply to which has been delayed owing to my whole attention having been given to a session of the Federal Appeal Board held here this month, please note that I shall

arrive in Ottawa on April 13th, and that I have myself made the necessary hotel reservation.

The following is the information requested:

1. Six hundred and twenty-one.

2. 134 allowed; 347 disallowed; 140 outstanding (last session).

Note.—In addition to the above 360 claims have been adjusted by the Board of Pension Commissioners, including a number settled after appeal had been entered.

3. Two hundred and nineteen.

Note.—Owing to the wording of the letter from the B.P.C. to a claimant when advising entitlement disallowed, a great many appeals are entered direct to the Federal Appeal Board in Ottawa, which otherwise would be entered through the O.S.A.

4. One hundred and two.

Note.—Ninety-five appeals were intimated as ready for hearing in October but no session was held in Saskatchewan in the Fall of this year.

5. Twenty-two allowed; seventy-five disallowed; two outstanding; three struck off the lists.

6. Three, as above.

7. Approximately two thousand and fifty.

Note.—This does not include a large number of cases where interviews are given but no files are opened since further action is not required.

8. Fifteen; one allowed; fourteen disallowed.

9. Nil.

During the year I visited the following main centres: Broadview, Moosomin, Lloydminster, North Battleford, Saskatoon, Prince Albert, Yorkton, Saskatoon, Prince Albert, North Battleford, Saskatoon, Lloydminster, North Battleford, Prince Albert, Moose Jaw, Saskatoon, Prince Albert, Moose Jaw.

There are many other points I ought to visit but pressure of work does not permit my being away from my office without the necessary office assistance which I have not got.

I shall be glad to see Mr. Hester when he arrives in this city.

Yours faithfully,

F. J. ROWAN,

Official Soldiers' Adviser.

R/R.

QUEBEC, March 15th, 1930.

K. G. MACDONALD, Esquire,
Chief Soldiers' Adviser,
Dept. of Pensions and National Health,
Ottawa.

DEAR MR. MACDONALD:—Further to my communication of the 13th instant, concerning the informations required, I regret to be unable to give an answer to all the questions, as I have not kept the statistical informations concerning appeals allowed and disallowed:

1. Total of cases submitted to me since my appointment (including all types of claims): 995.

2. Total number of appeals presented since my appointment: 316.

3. Number of active files at the present time: 150.

4. Total number of cases submitted by myself to the Board of Pension Commissioners and allowed: 135.

Trusting that these informations will meet your requirement.

Yours sincerely,

ACHILLE PETTIGREW,
O.S.A.

AP/McG.

HALIFAX, Nova Scotia, 5th March, 1930.

K. G. MACDONALD, Esq.,
Chief Official Soldiers' Adviser,
Ottawa.

Re: O.S.A. Conference.

DEAR MR. MACDONALD:—Herewith attached information requested in circular letter of February 22, 1930.

I expect to arrive in Ottawa Saturday night, April 12th, leaving Halifax on Friday at 3.30 p.m.

Yours truly,

H. F. HAMILTON,
Official Soldiers' Adviser for Nova Scotia.

Encl.

REPORT

1. Total number of appeals presented since appointment	625
2. Total allowed	108
Total disallowed	517
3. Number of appeals entered through office in 1929	314
4. Number of appeals presented to Federal Appeal Board in 1929	160
5. Number allowed, 1929	22
Number disallowed, 1929	130
Number in which judgments are still outstanding, 1929	8
6. Number adjourned in 1929	1
Number withdrawn in 1929	3
7. Number of active files in office at the present time.. (including all types of claims.)	800
8. Total number of Meritorious Clause cases submitted and result	3
9. Meritorious Clause cases in 1929 and result	0

SHORT REPORT ON TRAVELLING DURING 1929

My travelling only consisted of special trips on request of Legion Branches, or in necessary cases where I concluded I could be of assistance to Appellant after failing to obtain by correspondence the necessary evidence. In addition to travelling with Federal Appeal Board and meeting other Appellants.

It is suggested that more travelling be done in order to advise men who are not acquainted with procedure.

Total number of pensions granted (since keeping records), 274.

VICTORIA, B.C., March 24, 1930.

Chief Official Soldiers' Adviser,
Dept. of Pensions and National Health,
Ottawa, Canada.

DEAR SIR:—I duly received your communication of the 22nd February last. In reply thereto I may say that I am pleased to know that a general conference of the Soldiers' Advisers has been arranged. The Unit Office of the Department have not made any arrangements with myself yet, as to travelling,

and at this time I cannot inform you as to the time of my arrival. I will let you know later.

In the meantime I have compiled and enclose herewith information as asked. I may say that I had very little travelling in 1929, except to proceed to Vancouver, where files were reviewed. There were times during 1929 that I made short visits to various places on the Island, where different ex-service men interviewed me. I have not the information as to the actual persons seen.

Yours truly,

G. H. SEDGER,
Soldiers' Adviser.

REPORT OF OFFICIAL SOLDIERS' ADVISER, VANCOUVER ISLAND, BRITISH COLUMBIA

1. Total number of appeals presented.. . . .	281
2. Total number of appeals allowed.. . . .	56
3. Total number of appeals disallowed.. . . .	225
4. Total number of appeals entered in 1929.. . . .	93
5. Number of appeals presented to F.A.B. in 1929..	96
6. Number of appeals allowed in 1929.. . . .	17
7. Number of appeals disallowed in 1929.. . . .	79
8. Number of active files.. . . .	778
9. Total number of Meritorious Clause cases submitted and disallowed.. . . .	17
10. Meritorious Clause cases in 1929 and disallowed..	7
11. Entitlement admitted on application to B.P.C.. . .	296
12. Appeals entered and transferred to another District	8
13. Appeals entered, appellant unwilling to proceed.. .	3
14. Imperials assisted.. . . .	112
15. No appeal by reason of misconduct.. . . .	13
16. Appeals entered in 1930, to date.. . . .	33
17. Dead files.. . . .	522

LONDON, ONT., February 25th, 1930.

K. G. MACDONALD, Esq.,
Chief Soldiers' Adviser,
Ottawa, Ont.

Re General Conference

DEAR SIR,—In reply to your favour of the 22nd instant, beg to submit the following report.

Number of appeals presented.. . . .	837
Number now on hand.. . . .	241
Number allowed.. . . .	152
Number disallowed.. . . .	419
Number appeals entered during 1929.. . . .	608
Number appeals presented during 1929.. . . .	267
Number appeals allowed during 1929.. . . .	53
Number appeals disallowed during 1929.. . . .	190
Number appeals adjourned, withdrawn and outstanding.	24
Number of active files in this office now.. . . .	753
Number meritorious cases presented.. . . .	9*
Number meritorious cases presented during 1929.. .	2*

*All lost.

SPECIAL COMMITTEE

During 1929 I visited the following places seeking evidence and interviewing the Appelants, and advising them what was required.

Windsor, five trips. Woodstock, three trips. St. Thomas, three trips, five trips. St. Marys, two trips, two trips. Chatham, two trips. Toronto, two trips. Galt, two trips. Preston, two trips. Kitchener, two trips. Mt. Bridges, two trips. Guelph, one trip. Ottawa, one trip. Making in all about 3,500 miles.

Please permit me to add that 295 cases were granted by the B.P.C. during six years, that is, after evidence I had submitted, in building up the case for appeal, reboarding of the men, etc., and I regret to inform you that I am unable to give you the report of the hundreds of cases that I have advised men to get present conditions certificates, who were boarded and I have not heard from them since, and having more work than I can handle, have not had time to dig this up.

Yours very truly,

E. FRENLIN,

Official Soldiers' Adviser. F. Unit.

SUMMARY

FROM OCTOBER 1923 TO MARCH 31ST, 1930

Total Number of Appeals presented since Appointment—	
To Quorum.....	927
To Single Commissioner.....	82
Total.....	1,009
Total Appeals Allowed.....	270
Total Appeals Disallowed.....	598
Judgments Pending.....	59
Withdrawn (Pension Conceded).....	927
Withdrawn not within Jurisdiction of F.A.B.....	262
Withdrawn at appellant's request.....	142
Transferred to other O.S.A.'s (change of address).....	7
	101
Appeals Pending.....	1,439
Total Number of Appeals Fyled.....	276
Appeals Allowed.....	1,715
Withdrawn Pension Conceded.....	270
	262
Pension conceded in cases not fyled with F.A.B.....	532
	411
	943

The above are exclusive of cases of dependency and re-instatement to pension which had previously been discontinued by commutation or in cases where disability had ceased temporarily and (at a rough guess) number over 1,000 in addition to a large number of increased pensionable assessments.

J. V. CONROY,

Toronto.

OTTAWA, March 12, 1930.

Mr. K. G. MACDONALD,
Chief, Official Soldiers' Adviser,
Daly Building,
Ottawa.

DEAR Mr. MACDONALD: Attached please find herewith, duplicate copies of the report asked for in your circular letter to the Official Soldiers' Advisers, dated February 22, 1930.

Trusting this will be satisfactory, I am,

Yours sincerely,

CHARLES ASKWITH,
Official Soldiers' Adviser.

CA/MP

1. Total number of appeals presented since appointment:

"C" Unit.. . . .	748
United Kingdom.. . . .	178
United States.. . . .	457
Other parts of the world.. . . .	51
	—1,414

NOTE: The proportion of allowed and disallowed cases in "C" Unit, in the United States, the United Kingdom, etc., are approximately the same.

2. Total allowed.. . . .	226
Total disallowed.. . . .	984
3. Number of appeals entered in 1929.. . . .	305
4. Number of appeals presented in 1929.. . . .	245
5. Appeals allowed in 1929.. . . .	54
Appeals disallowed in 1929.. . . .	262
Judgments still outstanding.. . . .	45
6. Number adjourned or withdrawn in 1929.. . . .	22
7. Number of files (including all types of claims).. . . .	4,255
8. Total number of Meritorious Clause cases submitted	49
result.. . . .	14*
9. Meritorious Clause cases in 1929 and result.. . .	11 Nil
10. Travels and Investigations	

* Special Tribunal—Nil.

Ever since the Official Soldiers' Advisers were appointed, this office has endeavoured to cover "C" Unit once every four or five months, and see, through letters written in advance, making appointments with appellants, any of them whose cases were pending. Frequently the occasion of such travelling coincided with a visit of the Federal Appeal Board, for the purpose of hearing appeals. In such cases we usually arrived in the towns a day or so ahead of the Appeal Board, or in cases where that was not possible, remained there a day or so after the Board departed.

We believe that Soldiers' Advisers should travel more throughout their districts and interview appellants who are unable to call in the office and interview them. This has been impossible in this office owing to press of work. Of course, in the cases arising outside of Canada, which are handled by this office, there has been no travelling.

These figures are approximately correct to the 31st of December, 1929.

CHARLES ASKWITH,
Official Soldiers' Adviser.

707 McLEOD BLDG.,
EDMONTON, ALTA.,
MARCH 5, 1930.

K. G. MACDONALD, Esq.,
Chief Official Soldier's Adviser,
Department of Pensions and National Health,
Ottawa, Ont.

DEAR Mr. MACDONALD,—I am in receipt of yours of the 26th., ult.

If I should have taken up the subject matter of my letter of the 3rd. ult., with yourself, I regret very much that I did not do so. I refer to the letter I wrote to Mr. McKee. In view of the length of time that has elapsed since I was appointed I agree with you that possibly it would be best to let the matter rest until I am in Ottawa.

In connection with your circular letter regarding the conference of soldier's advisers.

Of all the information which you wish tabulated and sent to you the only item to which my answer would not be nil is number seven. In this connection I find that there are 362 files of current appeals. I have also about 500 files of other matters. In connection with these last I cannot say how many of them are active. I received 18 express parcels from Calgary of files. Mr. Petley came here and we went through them. However they are not indexed and I have been waiting until I can get some filing cabinets in order to sort and index them. I have been trying to get cabinets and am informed that they have been requested from the Ottawa office but so far they have not come to hand.

In connection with my arrival at Ottawa, I have written to Calgary in conformance with the third paragraph in your letter but failing some strenuous objection on their part, I will arrive in Ottawa on the morning of the 14th., of April, at 7.15.

ECD/D

Yours truly,

E. C. DARLING

CALGARY, ALTA.,
MARCH 20th, 1930.

Mr. R. G. MACDONALD,
Chief Soldier Adviser,
Ottawa, Ontario.

DEAR SIR,—I was glad to hear that a conference of Soldier' Advisers is to be held and I cannot but think that a lot of good will arise from it. It is very difficult for me to supply much of the information you are asking. I have not kept records of the cases as I understood the Federal Appeal Board was keeping complete statistics. About half of my files I turned over to Edmonton when Mr. Darling was appointed and I can hardly ask him to wade through them they ran into thousands covering a lot more work than appeals of course. I will however attach a memorandum giving approximate figures.

There has not been more than two or three cases heard in Alberta where I have not represented the appellant so that the F.A.Bs records should be nearly correct.

The appellants with regard to Meritorious Cases I cannot remember one that has been allowed. I have submitted about 50 I suppose. So far as my experience goes the clause is null and void, else I have been very unlucky. With regard to travelling I visited Edmonton 7 or 8 times during last year and used to drop off at different places between Calgary and Edmonton to see Appellants.

I also usually arrange two or three times a year visit central points, generally when a fair gathering of returned men can be expected to be in town, such as armistice day or when other functions are arranged. I address the meeting and also meet men who may have claims before and after the gathering.

As you are no doubt aware the Bd commenced to sit in my district on March 15 and are here until April 4th, so that I hope so far as appeals are concerned to have a fairly clean slate by the time they are through.

Yours faithfully,

S. G. PETLEY,
Official Soldiers' Adviser.

Appeals presented since Appointment to end of December,

1929..	650
Presenting now..	180
Total..	830
Outstanding..	183
Allowed about..	30%
Active files about..	450

RETURN OF C. R. HAWKINS, OFFICIAL SOLDIERS'
ADVISER FOR NEW BRUNSWICK AS REQUESTED
BY CHIEF OFFICIAL SOLDIERS' ADVISER
BY CIRCULAR LETTER DATED FEBRUARY
22, 1930

1. Total number of appeals presented since my appointment..	175
2. Total allowed..	46
Total disallowed..	97
3. Number of appeals entered through my office in 1929..	136
4. Number of appeals presented to Federal Appeal Board in 1929..	137
5. Number allowed..	39
Number disallowed..	78
Judgments still outstanding..	23
6. Number adjourned or withdrawn in 1929..	6
7. Number of active files in my office at the present time (including all types of claims..	337
8. Total number of Meritorious Clause cases submitted (all unsuccessful)..	3
9. Meritorious clause cases in 1929 (all unsuccessful)..	3
10 Short report on travelling during 1929:—	

During the year 1929 my travelling was confined mainly to attendance at other points in the province, appearing before the Federal Appeal Board in session. However, I proceeded from Fredericton to Saint John on about twenty-five (25) times during the year 1929. Besides this I have visited Chatham and Newcastle on the North Shore, and I have proceeded up the Saint John River to Woodstock and as far as Grand Falls. Other than these

trips I have done practically no travelling, except what was very local, in carrying out the duties of my office.

Fredericton, N.B.,
March 10, 1930.

C. R. HAWKINS,
Official Soldiers' Adviser, Province
of New Brunswick.

REPORT OF OFFICIAL SOLDIERS' ADVISER FOR BRITISH COLUMBIA

1. Total number of appeals presented since Mr. Mackenzie's appointment

The approximate number of appeals presented is 705. These are made up as follows:—

1929.....	242
1928.....	157
	306*

* Previous to 1928.

	1928	705
Disallowed.....		
Allowed.....		118
Withdrawn or transferred.....		26
		13

	Previous to 1928	157
Allowed.....		76
Disallowed.....		230
		306

	1929	
Allowed.....		54
Disallowed.....		163
Pending decisions.....		20
Withdrawn or transferred.....		5

2. Total allowed and total disallowed

Allowed.....	156
Disallowed.....	511

3. Number of appeals entered through your office in 1929

Three hundred and fifty-eight (358) appeals were entered.

4. Number of appeals presented to Federal Appeal Board in 1929

Two hundred and forty-two were presented to Federal Appeal Board in 1929.

5. Number allowed, number disallowed and number in which judgments are still outstanding for 1929

Allowed—54.
Disallowed—163.
Pending—20.

6. *Number adjourned or withdrawn in 1929*

Five cases were withdrawn or adjourned in 1929.

7. *Number of active files in your office at the present time
(including all types of claims)*

There are ten hundred and twenty (1020) active files in the office at the present time.

8. *Total number of Meritorious Clause cases submitted and result*

About ten—result nil.

9. *Meritorious clause cases in 1929 and result*

Four—nil.

10. *Short report on travelling during 1929*

- (1) Canadian Legion Convention at Chilliwack.
- (2) Several evening visits in Fraser Valley and Greater Vancouver.
- (3) One visit to Kamloops—4 days.
- (4) One visit to Nelson—one week.
- (5) One tour of East and West Kootenay—visiting Fernie, Cranbrook, Kimberly, Nelson, Trail, Rossland, Grand Forks.

Gov. Doc.
Can.
Com.

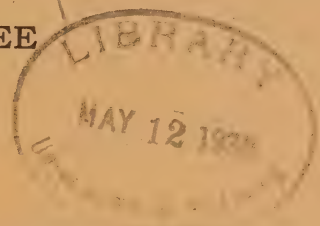
Canada, Pensions and Returned Soldiers' Problems, Special Session, 1930

SESSION 1930

HOUSE OF COMMONS

281
AC2
-30P26
GOVT PUBNS

SPECIAL COMMITTEE



ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 13—TUESDAY, MAY 6th, 1930

EVIDENCE—Mr. C. B. Reilly, Federal Appeal Board; Col. L. R. LaFlèche, Spokesman for Various Ex-Soldiers' Organizations—Recommendations; Mr. E. Browne-Wilkinson, Soldiers' Insurance.

APPENDIX No. 12—Reorganization and Recommendations, Soldiers' Adviser System, J. R. Bowler.

APPENDIX No. 13—Memorandum on Revision of Pension Machinery, Col. L. R. LaFlèche.

APPENDIX No. 14—Statement on Procedure in Appeals to the Federal Appeal Board, E. H. Scammell.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

COMMITTEE ROOM 368,

TUESDAY, May 6, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock a.m., the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, McPherson, and Power.

The Honourable Mr. Béland, Senator, was also present.

At 11.15 o'clock, the Clerk could not report a quorum of members present.

The Chairman informed those present that he did not think a quorum of members would assemble this morning owing to a Caucus of the Opposition now being held. An adjournment until 9 o'clock this evening was declared.

TUESDAY, May 6, 1930.

The Committee met at 9 o'clock, the Chairman, Mr. Power, presiding.

Members present: Messrs. Arthurs, Fiset (Sir Eugène), Gershaw, Ilsley, McGibbon, McIntosh, MacLaren, McPherson, McLean (Melfort), Manion, Power, Speakman, and Thorson—13.

In attendance: The Chairman and the Commissioners of the Board of Pensions; Col. C. B. Topp and Mr. C. B. Reilly of the Federal Appeal Board; Col. L. R. LaFlèche, Spokesman for the various ex-Soldiers' Organizations and Mr. J. R. Bowler, General Secretary of the Canadian Legion; Mr. E. H. Scammell, Secretary of the Department of Pensions and National Health; Captain E. Browne-Wilkinson of the Army and Navy Veterans; Col. O. M. Biggar, and Mr. E. E. Spencer, counsels.

Messrs. R. Hale, R. Myers, Dr. Millar and others were present.

The Committee proceeded to consider the Evidence given by Mr. C. B. Reilly upon the activities of the Federal Appeal Board; and also the Evidence given by Col. LaFlèche upon the proposed Revision of Pension Machinery and Soldiers' Insurance; and also the Evidence given by Mr. E. Browne-Wilkinson upon Soldiers' Insurance.

In the course of the proceedings, Mr. J. R. Bowler submitted a statement which had been ordered by the Committee relating to the reorganization of the Soldiers' Adviser system with recommendations therein contained. Said statement is signed and submitted by Messrs. J. V. Conroy, Charles Askwith, J. R. Bowler and K. G. Macdonald. See Appendix No. 12 herein.

Following the evidence given by Col. LaFlèche, a Memorandum containing recommendations with respect to the proposed Revision of Pension Machinery, was submitted by him which was ordered to be printed as an Appendix. See Appendix No. 13, herein.

A statement submitted by the Board of Pension Commissioners arising from the evidence given by General Sir Arthur W. Currie, G.C.M.G., K.C.B., and relating to Private 500565 who enlisted in September, 1915, was considered.

On motion of Mr. McGibbon the said statement and correspondence thereto relating was ordered to be entered in the record of the proceedings.

A statement relating to the present procedure with respect to appeals lodged with the Federal Appeal Board, was submitted by Mr. Scammell and ordered to be printed as an appendix. *See Appendix No. 14, herein.*

The Committee adjourned at 11.10 p.m. until to-morrow to meet in Camera at 4.30 o'clock.

MINUTES OF EVIDENCE

COMMITTEE ROOM 368,

HOUSE OF COMMONS,

TUESDAY, May 6, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 9 p.m., the Chairman, Mr. C. G. Power, presiding.

C. B. REILLY, K.C., called.

The CHAIRMAN: Gentlemen, Mr. Reilly is one of the Commissioners of the Federal Appeal Board and has a short statement to make to us.

The WITNESS: Mr. Chairman, I want to submit some figures concerning the results of the 1923 legislation which provides for an Appeal Board and Official Soldiers' Advisers.

The Appeal Board has received 21,796 cases of which 20,779 were those of members of the C.E.F. and 1,017 those of members of the Imperial Forces but now Canadian citizens. Of this number 4,033 were found to be outside the jurisdiction of the Board, leaving 17,763 to be dealt with. Of these 11,171 including Imperials, have been heard. In about 1,500 additional cases the appeal was withdrawn from the Appeal Board by reason of an award of pension by the Board of Pension Commissioners subsequent to entry of the appeal. Entitlement has been granted by decision of the Appeal Board in 2,115 cases.

The annual liability for pensions awarded by decision of the Federal Appeal Board as at March 31st, 1930, was \$706,197.88. Starting from nothing in 1923 awards by the Appeal Board now entail an additional expenditure for pension of more than \$700,000 annually. This is increasing every month.

In addition to the annual liability retroactive pension has been paid out as a result of decisions of the Board amounting to \$1,998,847.98. There are also large sums being paid out in respect of compensation during treatment given as a result of decisions of the Appeal Board. Retroactive treatment adjustments alone as at March 31st, 1930, amount to \$201,612.39.

The amount paid out during the month of March, 1930, on account of retroactive pension and treatment compensation was \$22,740.66. Taking the annual liability into account it will be found that more than \$80,000 per month is being paid to ex-members of the forces and their dependents under decisions of the Federal Appeal Board.

The Official Soldiers' Advisers present cases to the Appeal Board but in addition to that they prepare cases for the applicants and handle their claims with the Board of Pension Commissioners. The amount which they obtain from the Pension Board without entering an appeal is probably larger than that which they get for appellants through appeals.

On Thursday Mr. Conroy of Toronto presented figures before the Committee as follows:—

Total of appeals allowed.. . . .	270
Total of pensions conceded by Pension Board after appeal entered.. . . .	262
Total of pensions conceded in cases not filed with Appeal Board.. . . .	411

My point there is that impressive as are the figures in cases that have actually been dealt with by the Appeal Board, a very much larger amount has been obtained for the appellants by virtue of the existence of an appeal board and by virtue of the fact that if an award were not made, an appeal would go to the Appeal Board.

Mr. MacLAREN: What is that again? Repeat that statement.

The WITNESS: A larger sum is obtained for the returned soldier and his dependents on account of the existence of the Appeal Board, because the Official Soldiers' Adviser works on his cases and goes to the Pension Board and asks for his pension, it being understood that if the pension is not granted he will go ahead with his appeal. If the Appeal Board were not in existence, and if provision had not been made for the appointment of the Official Soldiers' Adviser, that work would not be done. So I give credit, to that extent, to the 1923 legislation and cite that as proof that it has worked largely to the advantage of the returned man.

The volume of appeals is increasing constantly. They are coming in for the last few months at the rate of over 400 per month; and with the present equipment of the Appeal Board it is hard to catch up with the arrears of work and it is hard to see how you can keep abreast of the work as it comes in.

By Hon. Mr. Manion:

Q. How many do you handle a month?—A. One quorum will handle 350 cases in a month. That is about the best we can do. And yet they are coming in at the rate of more than 400 a month.

Q. How many are there in abeyance, so to speak?—A. Those figures are in the record. I think it runs now about 3,000 cases.

Q. And they are gaining as well at the rate of about 50 a month?—A. They are gaining as well.

By Mr. MacLaren:

Q. This 350 includes the time of travelling, does it?—A. Yes, that can be done by one quorum. If we had two quorums sitting we could double that and if we had three we could treble it.

Q. How many have you now?—A. We have six members, all together.

Q. But how many constitute a quorum?—A. We sit in quorums of three. We can at times hold two quorums, but now since the session has opened, there has been only one quorum on the road, or travelling on circuit, because some of us have had to be here all the time; and I am going to suggest or recommend to the committee that three other commissioners should be appointed, to provide for two quorums being constantly on circuit, in order to catch up with the work, and at the same time allow some one to remain in Ottawa to attend to the meritorious cases, and to the large number of Ottawa cases, because here in Ottawa we deal with cases outside this jurisdiction, cases from Great Britain and from the United States; they are all heard here in Ottawa. And in that connection I would like to point out that of the six commissioners now on the board, five are returned soldiers. One of them was an Army Medical Corps man and saw service in France; and four other commissioners served with the infantry in France. I would suggest, as a returned man, that if other commissioners are to be appointed, that they be chosen from among the returned men, as well. I think that is the best answer that I can make to this question of giving the soldier the benefit of the doubt. If he cannot get the benefit of the doubt and a sympathetic hearing from returned men, then there is not much chance of his getting it from any other kind of tribunal.

Now, in 1924, I spent several days before this committee dealing with the question of jurisdiction. A dispute had arisen between the Pension Commis-

sioners and the Appeal Board where they had declined to give effect to some fifteen judgments of the Appeal Board. I am happy to report that many of the cases I discussed in 1924 have been adjusted since. Now, there are only six cases outstanding. During the sessions of the 1928 committee it was suggested that these cases be referred to the Exchequer Court for determination. The clause was not very clearly drawn. That is in section 30 of the Act, which provides for a reference to the Exchequer Court, but it is not clear that it refers to cases arising before the passing of this amendment. If the committee is still of the opinion that those cases should go to the Exchequer Court, I would suggest that subsection 8 be made to read clearly, that the reference to the Exchequer Court shall apply to cases where the dispute as to jurisdiction arose before the passing of the amendment, giving it retroactive effect.

By Mr. McPherson:

Q. Did anyone object to their going there?—A. The objection has been made that the section as it reads refers only to cases arising after that section was passed.

By Mr. Arthurs:

Q. Who raised the objection?—A. I think it was a representative of the Department of Justice raised it before the Exchequer Court, under subsection 8.

Mr. MacLAREN: Had not that been referred to the department?

The CHAIRMAN: Section 51, sub-section 8, is as follows:

Any dispute as to the jurisdiction of the Board to entertain and determine appeals from refusal of pension by the Commission shall be referred by the Department to the Exchequer Court for determination.

That was the amendment.

The WITNESS: It is submitted that "any dispute" does not expressly say that any dispute which has arisen in the past or may arise in the future shall be referred, and in the absence of the retroactive words a dispute which arose in 1924 or 1925 could not properly be dealt with in that way.

By the Chairman:

Q. The matter is still before the Exchequer Court?—A. Yes, and if that objection were taken, it would be fatal.

Q. At the present time there is no decision by the Exchequer Court?—A. That is quite right. Then if I may make a further suggestion; I quoted rather impressive figures here of 21,000 cases, over two or three million dollars of awards; but when we get down to these disputed cases we are dealing only with six cases out of 21,000; and an appropriation of about \$25,000 would take care of the lot, would clean them all off.

By Mr. Arthurs:

Q. As a matter of fact, your Board is the judge so far as any new evidence is concerned, in any event. Is it not?—A. Some of these applicants are dead.

Q. But I am talking about the ordinary cases coming up before your Board. In the majority of your cases you are faced by a new set of facts which have not properly been presented to the Pensions Board and you are powerless to act until these facts have been considered by the Pensions Board. Is that not true?—A. We feel that under the Act we have no power to deal with the cases.

Q. You know you have no power?—A. Yes, we, like any other appeal court, can only deal with the case as it appeared before the lower court. In some cases new evidence cropped up during the hearing and then the cases referred back to the Pensions Board. So, just to close my statement, I would

recommend, in the interests of equity, and to avoid lawsuits, and in the interests of these people who have been waiting for five or six years, that the Committee do recommend an appropriation of \$25,000 to settle these disputed cases.

Q. These are the six cases?—A. Yes.

Q. And you want \$25,000 to settle these?—A. Yes.

Mr. MACLAREN: If the Act was clear, they could go before the Exchequer Court.

The CHAIRMAN: There is a question as to whether the Exchequer Court would give a judgment on the Act.

By Mr. MacLaren:

Q. The Act would bring it before the court. I do not understand why you recommend an appropriation of \$25,000.—A. Just to avoid further lawsuits. The appellants have contested their cases in the courts created by Parliament for dealing with pension claims, and they have won their cases. The Pension Act states that the finding of the Appeal Board is final and binding and despite that, the appellants have not got their pensions.

Q. On what ground?—A. Upon the ground that the Appeal Board has exceeded its jurisdiction.

The CHAIRMAN: In order to deal with that suggestion we passed an amendment in 1928 that any dispute as to the pension appeals should be referred to the Exchequer Court. It has been referred to the Exchequer Court and is before the Court now?

The WITNESS: It is before the Exchequer Court now.

Witness retired.

Mr. BOWLER: Mr. Chairman, it will be remembered that last Thursday morning, Mr. Conroy, the Official Soldiers' Adviser at Toronto, brought before the Committee certain evidence, and on the conclusion of his evidence he was asked, in conjunction with myself, to prepare recommendations concerning the soldiers' adviser system. These recommendations have been prepared in conjunction with other soldiers' advisers, who were available. With your permission, I will now file them and they will be available to the Committee in the record.

Mr. MACLAREN: If they are not very long, you might read them.

The CHAIRMAN: They will appear in the appendix.

Sir EUGENE Fiset: Do you think that the procedure that has been brought about at the present time can be changed? Do you think it would be advisable, notwithstanding the fact that we are asking our learned counsel to prepare these amendments, that the amendments should be submitted to the Department of Justice for an opinion.

The CHAIRMAN: No, if you want to know what I think of the legal system of the Department of Justice, my answer is No. However, I am in the hands of the committee.

Mr. MACLAREN: I do not know. I think it would be a safe procedure to take.

Col. LAFLECHE: Mr. Chairman and gentlemen, I notice that several members of the committee are not here this evening. I hoped that all of them would have been here, so that I could express my thanks to all of them for all the care and attention they have given to the subject I now have the honour to set before you.

I wish, first of all, to say that I have not the presumption in regard to setting up specific machinery, to go beyond what is contained in your statement, Mr. Chairman, and the statement of General Dr. Ross. To put it in the briefest way, I think I could best describe what I have done here by saying that I have taken the vertical dimensions of the Chairman's plans and I added to that the horizontal dimensions of General Ross' scheme, and that is about all I have done, so far as the actual machinery is concerned; but with my colleagues I have made a very careful study indeed of the proposed procedure and we hope to give you in this memorandum our very best thought as to what would satisfy the man that he had had a fair and complete hearing of his case.

Mr. SPEAKMAN: Mr. Chairman, may I make one correction? The memorandum that is being referred to as that of General Ross', as a matter of fact is a joint one. General Ross and myself each had a memorandum and we decided then to work together and present it as a joint memorandum.

Col. LAFLECHE: May I say that I was in ignorance of that and may I include the name of Mr. Speakman in my thanks; may I couple it with that of General Ross?

I outline very briefly at the beginning the machinery, and later on I point out what we think to be the best possible procedure, having always in mind the idea of satisfying the man, wherever he may live in Canada, and I do not think this is expensive, and I think any powers we have conferred or that might be conferred under the provisions of this memorandum are quite reasonable in all respects. I may read it?

The Board of Pension Commissioners as at present, to receive all applications in the first instance, and to make awards in all cases where it considers entitlement exists.

Pensions Tribunals—Consisting of an adequate number of members to permit of four Tribunals, with territorial jurisdiction, and to sit at convenient points to permit appearance of applicant and witnesses.

Members to be interchangeable, of the calibre and standing of judges free from political or other influence, and chosen from varied professions or occupations. The Pension Tribunal to be vested with full jurisdiction with respect to the Pension Act, and to hear applications *de novo* in open Court in the presence of the applicant. The applicant to have the option of having his case heard *in camera*.

Mr. ARTHURS: That would conflict with the first paragraph, would it not, Colonel?

Col. LAFLECHE: I think not, sir; but later on in the memorandum I go into greater detail as to that point.

Mr. ARTHURS: But the part that would conflict is "*de novo*."

Col. LAFLECHE: I will cover that later on.

As to hearing the case *in camera*, the reason for that is obvious. There might be something in the records which it would not be best to speak about in public, particularly having in regard the man's family.

For this purpose, all files and all documents of any nature to be in possession of the Tribunal. Applicant's right of appearance before Pensions Tribunal to provide for representation as recommended under heading of "Preparation and Presentation." The Board of Pension Commissioners to be represented before the Tribunal if they so desire. The awards of the Tribunal shall bind the Pension Commissioners, who must carry out the decisions of the Tribunals including, of course, the rate of award.

On entering this paragraph I would like to express gratitude to Dr. McGibbon.

Evidence.—Statutory provision be made that, notwithstanding anything contained in The Pension Act, the Tribunal shall, in cases where no conclusive proof is shown, award pension if from the circumstances of the case, the evidence and medical opinion, a reasonable inference may be drawn in favour of the applicant.

Medical Opinion.—In connection with Tuberculous cases, that the applicant have recourse to the opinion of a Specialist (preferably a Medical Superintendent of a Sanatorium), based on clinical examination at public expense; the right to be extended to include cases of a corresponding nature. In cases, other than those referred to herein, it is suggested that such right be obtained by application to the Tribunal.

Where the record of the Board of Pension Commissioners contains the opinion of a Specialist, the applicant shall, as of right, be permitted recourse to a Specialist, at Government expense. (See evidence of Captain Gilman and Mr. Hale—pages 110 to 116 of the Proceedings.)

Witnesses.—That provision be made for summoning witnesses.

Expenses.—That the applicant's expenses be met on the same basis as under existing Federal Appeal Board procedure.

Notes as to Procedure.—From the time the application for Pension is filed with the Commission, the applicant or his representative shall have access to all files, documents and records.

Sir EUGÈNE Fiset: You mean the original.

Colonel LAFLÈCHE: All of them, sir, and I cannot be too definite and earnest in saying that we cannot expect the man to feel that he has had justice unless he has had access to the documents which have a bearing upon his case, despite whatever has been said previously to you gentlemen, I feel and believe that is the case.

Mr. ARTHURS: Have you had cases come to your notice where the file from Ottawa did not concur with the local file, did not contain all the documents in the local file? Have you had that come to your notice?

Colonel LAFLÈCHE: Such things have been reported to me.

Mr. ARTHURS: I have had cases like that and there ought to be some recommendation from the committee to the effect that these documents should be looked over and the files should be complete in one place or another.

Colonel LAFLÈCHE: That would be one way of doing it, but I think it would be much better, more convenient and less expensive to see that all files, including the original file, are at the disposal and accessible to the applicant and to the tribunal.

Mr. ARTHURS: You mean by that, both the Ottawa file and the file in the various districts?

Colonel LAFLÈCHE: I mean all files having a bearing on the case wherever they may be, headquarters or district. I would like to point out, and all of us remember, during the war, that there was not a complete entity if the file plus the man was not present at the same time and at the same place.

Mr. ARTHURS: I have a case in mind of a man who is refused a pension for tuberculosis on the ground that it was post-war and that evidence was discovered in the local file. This man has been hospitalized for pneumonia in France, and there was no record on the file here which was placed before the Board of Pension Commissioners. This was an oversight, and after some time this young man got his pension, but unfortunately he died shortly thereafter.

Colonel LAFLECHE: You will all remember that, particularly during demobilization, many men were really non-existent legally because their documents were not with them. I mean, during the war, during their service, they were non est if their documents were not with them. Now, I hope you will provide machinery to satisfy these men that they will have a fair deal. I do not think you can do that unless you let a man see what is in his file, and see all the files in the possession of the tribunal when the man appears before that tribunal, as a protection to the man, and also protection to the tribunal, because a man's statements then could, and should be compared with the documents by the persons sitting on the tribunal.

Mr. MCGIBBON: If you protect the man, the tribunal will protect itself.

Colonel LAFLECHE: Still, it is quite right that the judge should have all the knowledge at his disposal.

Mr. ARTHURS: It is also essential that the man should have the power to bring forward evidence outside his file because in many cases, as you know and I know, there were thousands of men who were discharged as A1—

Colonel LAFLECHE: Yes, sir.

Mr. ARTHURS: —simply on their own say so, and their documents filled out by medical men after they were four or five hundred miles away.

Colonel LAFLECHE: I think I can say with certainty, sir, such witnesses could be brought before the tribunal under this scheme.

Mr. ARTHURS: That is what we want to do.

Mr. MCGIBBON: Not could be, shall be.

Colonel LAFLECHE: Can, if a man wants to be.

Mr. MCGIBBON: It should be made obligatory, otherwise there is no finality if you confine it to the files. You are not making any advance at all.

Colonel LAFLECHE: You will see later that we make full provision for bringing witnesses into the case.

Sir EUGENE Fiset: But in practice it makes for decentralization in the district.

Colonel LAFLECHE: Not necessarily.

Sir EUGENE Fiset: Of course it does.

Colonel LAFLECHE: I am sorry, sir. When the files are wanted they will be sent out; there will be a few hundred sent out, but they can be dealt with one at a time only.

Mr. MCGIBBON: Is not the point that you have to get outside the files to get advancement?

Colonel LAFLECHE: Yes, sir, but he can bring in witnesses.

Mr. MCGIBBON: That should be obligatory, otherwise the man gets no advancement at all.

Colonel LAFLECHE: I would say, under this scheme, a man in his own town or near his own town could bring witnesses before the tribunal; all the family doctors, or all the men who have known him since boyhood, in fact, he brings everybody he can get to testify in his behalf.

Mr. MCGIBBON: But it is all predicated back on the paragraph you have already read "on evidence." There is the crux of the whole thing.

Colonel LAFLECHE: Of course you would provide machinery under this scheme so that the man could bring his witnesses before the court.

Mr. MCGIBBON: Provide machinery at the government expense; otherwise you would get no place.

Colonel LAFLECHE: That is what you are doing. May I proceed, sir.

The CHAIRMAN: Yes.

Colonel LAFLECHE: I finished the first sentence in notes as to procedure on page 2.

When the Board of Pension Commissioners is unable to make an award the application shall not be rejected, but the Board of Pension Commissioners shall advise the applicant that he has the right to have his case heard by the Tribunal in his Territory, and shall also advise the applicant fully as to his rights in connection with the preparation and presentation of his claim.

Mr. MCGIBBON: Do you not think that you should go farther than rights?

Colonel LAFLECHE: I should sir.

Mr. MCGIBBON: Advise as to ways and means as well as rights?

Colonel LAFLECHE: You would give all the information as to whatever course lies open to him, that is what this means.

Mr. MCGIBBON: But advise as to ways and means.

The CHAIRMAN: As to where he should go to have his case prepared. I think that is what he means.

Colonel LAFLECHE: Yes.

The CHAIRMAN: That is not expressed in the bond.

Colonel LAFLECHE: My idea is that that is the meaning, that all information which might help the man should be given to him when the Pension Commissioners find that they cannot award a pension.

After such notice has been given the applicant the Board of Pension Commissioners shall refer the case to the Pension Tribunal, upon a request from the applicant and when transferred the case shall be set down for hearing, upon notification by the applicant or his representative, of his readiness to proceed.

This, gentleman, will eliminate all unnecessary delay. In other words, when the tribunal does get there the man and his case will be ready to be heard by the tribunal.

Mr. MCGIBBON: Why do you put it "upon request"? That should be obligatory.

Colonel LAFLECHE: I hope not, sir. The applicant, having instituted the first procedure, I think it quite proper that he should request.

Mr. MCGIBBON: He should not have instigated it—

Colonel LAFLECHE: He may not be ready, he may not even be willing.

Mr. MCGIBBON: Having once started, it should go through the whole machinery.

The CHAIRMAN: A man might be advised by the Board of Pension Commissioners that his case can be heard before a certain tribunal, and can be prepared by a certain agency, and the man, for some reason, might have moved away, and might not be ready with his evidence. I believe that is one of the difficulties and it would be very difficult to ask either the Board of Pension Commissioners, the tribunal or the courts, to fix a date because more likely than not the man would not turn up with his witnesses.

Mr. MACLAREN: Or he might be ill.

The CHAIRMAN: He might be ill. The thing is to get the case prepared and when it is ready, through his agency, he knows the tribunal will hear his witnesses and that his file will be there on a certain date, when the tribunal is sitting. That is why the onus is put on the applicant in that case.

Mr. MCGIBBON: I do not see that it should be put on him more than once. When he starts it, it should go to finality.

The CHAIRMAN: A man might have started his case when he was residing in St. John, New Brunswick, and if this went through, as a matter of course, without his intervention or assistance in any way he might by this time be in Toronto and he might not be there when the case is called. I think that is one of the greatest troubles the soldiers' advisers have found, that when they are ready to go on with the case, the man cannot be found.

Mr. THORSON: Is there any suggestion that he should have his case ready within a specified time?

Colonel LAFLÈCHE: We cannot do that because no man can estimate in advance how long it will take to get the evidence.

Mr. THORSON: It might be a matter of months to get the necessary evidence essential to his case.

Colonel LAFLÈCHE: That is another reason, Dr. McGibbon, why we really think this is right. We are absolutely unanimous in this, all the Associations.

Mr. MCGIBBON: It may be unanimous, but I do not see why the applicant should put up his case three or four times, that is, has got to start his case two or three times. Once he starts it, it should go to a finality, it should be settled, and if he fails to state his case properly, that is his lookout.

Mr. MCLEAN (*Melfort*): His witnesses might not be ready.

Mr. MCGIBBON: That is his fault.

Colonel LAFLÈCHE: There are many cases where it has been found absolutely necessary to find the evidence by writing for it.

Mr. MCGIBBON: That should be done before he starts his case. You cannot hold up the whole machinery to let a man fortify and refortify his case.

Colonel LAFLÈCHE: It is not holding up the machinery, the file merely lies dormant until the man is ready.

Mr. MCGIBBON: The machinery is standing idle in the meantime.

Colonel LAFLÈCHE: There will be many other cases that can be heard.

Mr. MCGIBBON: That is the curse of this whole thing; you cannot get finality to anything; it just hangs fire for months and months.

Colonel LAFLÈCHE: There would be more or less finality in this because you give the man the one big chance to probe his case.

Mr. MCGIBBON: I grant you he should have one big chance, but not two or three.

Colonel LAFLÈCHE: This provides for the preparation and allowing time for the man to get ready after such notice has been given. "After such notice has been given the Board of Pension Commissioners shall refer the case to the Pension Tribunal upon request from the applicant."

Mr. MCGIBBON: Why upon request from the applicant.

Colonel LAFLÈCHE: Because he is ready at that moment.

Mr. MCGIBBON: Presumably he is ready before he starts.

Colonel LAFLÈCHE: Not necessarily.

Mr. MCGIBBON: I say presumably.

Colonel LAFLÈCHE: I say respectfully sir, you cannot presume that.

Hon. Mr. MANION: Is it not the case that the man has gone before the regular Pension Board and has failed to this extent that the Pension Board has not decided to give him a pension?

Colonel LAFLÈCHE: That is nearly always by correspondence, but under this procedure he goes before the court and he must marshall all his witnesses and all his evidence, get everything that he can.

Hon. Mr. MANION: But the Pension Board has decided more or less automatically, that they cannot grant the pension, then they are ready to transfer it to the tribunal and they will then hear the case as soon as he is ready.

Colonel LAFLÈCHE: That is it.

Mr. McGIBBON: Why should they wait for him?

Mr. ARTHURS: I think you are absolutely right on that. I have a case on my desk at the present time of a man who claimed that during the war and he was taking medicine for a certain disease from a doctor in Scotland. Knowing the man, I believe it to be true, but in this case, that man would have to get a judicial affidavit, I guess that is what you call it, a legal affidavit before he could bring his case before the committee, and it would be at his option as to when that case was brought before the committee.

Mr. ILSLEY: Dr. McGibbon's point is he should have got the affidavit before he applied to the Board of Pension Commissioners.

Mr. GERSHAW: Just refer to the clause before that. Will the Pension Commissioners tell the applicant in what way his case has failed or what deficiencies there are in the evidence.

Colonel LAFLÈCHE: If all the files having a bearing upon the case are made accessible to the applicant or his representative, by searching the file they will know why the award was not made.

Mr. McGIBBON: I think you are absolutely wrong, and in your statements. But predicated from this fact, that he has got to get an expert to go through that and dig it out for him.

Colonel LAFLÈCHE: You are making provision for the expert?

Mr. McGIBBON: Yes, I think so. When a man starts his case it should go to a finality without him going around digging up experts to get evidence for his case. If you want to facilitate things, get something that does get you to a finality.

Colonel LAFLÈCHE: I firmly believe this will.

Mr. ILSLEY: Even though you give him an indefinite time to come before the tribunal, you later give him the chance of opening it up again.

Colonel LAFLÈCHE: He has that right now, we are not going to take it away from him.

Mr. McGIBBON: Are you going to give him five, ten, fifteen years, or what?

Mr. ILSLEY: You recommend abolition of the limit?

Colonel LAFLÈCHE: Yes.

Mr. MACLAREN: I think the applicant should have the right to say when he is ready.

Colonel LAFLÈCHE: That is what we recommend and that is what I hope you will agree to.

Mr. McINTOSH: Do you not think you should be definite on that? Do you not think the applicant should be ready?

Colonel LAFLÈCHE: I do not think you can be definite without injuring the man.

Mr. GERSHAW: The Board of Pension Commissioners find some reason that prevents them from granting the pension. Would there be any objection to their telling the applicant in what way his application is deficient, because it seems to me it would help him in preparing his case.

Colonel LAFLÈCHE: Not in the slightest, that would be very fine.

Mr. McGIBBON: You mean, say, "Your application is deficient on account of so and so; you must get more evidence"?

Colonel LAFLÈCHE: Yes, that would be very fine, but it would not be a substitute for having access to the files.

Mr. McGIBBON: Give him access to the file or anything else, but get it to a finality, and do not have them kicking around the country two, three or four years; get him everything he wants, but get it to a finality.

Colonel LAFLÈCHE: Yes, sir.

Mr. ARTHURS: I am quite satisfied that the Board of Pension Commissioners should give reasons for their decision.

Colonel LAFLÈCHE: They do, they say it is pre-enlistment or post-discharge.

Mr. ARTHURS: Is it not true, in many cases, where a man has asked for increased pension; say he had ten, fifteen or twenty per cent pension which has been gradually dropped down, and he seeks an increase?

Colonel LAFLÈCHE: Yes, sir.

Mr. ARTHURS: That in each and every case where application is made for increased pension where he has been hospitalized, that when it is not granted the answer is—"No further pensionable disability." Is that true or not?

Colonel LAFLÈCHE: I would say that is true, but they often say pre-enlistment or post-discharge. I do not think that is the reason Dr. McGibbon has in mind. I think they are not detailed enough.

Mr. ARTHURS: Is it not true that in many cases within the last few months, coming under your personal supervision, the answer of the Board is as I have stated—"No further pensionable disability" and no reason given?

Colonel LAFLÈCHE: I know the reasons are always very short.

Mr. ARTHURS: That does not answer the question.

Colonel LAFLÈCHE: I must say that I do not see many of these cases personally.

By Mr. McGibbon:

Q. I have had cases before the Board of Pension Commissioners, and I must say I have always found them very fair. I have said sometimes there is evidence here that is a prima facie case, and they have said our advice is contrary to that which you have received, and that is the ground on which the case has been decided.—A. I say, sir, that this suggestion does provide finality as far as it is possible to obtain it, in fairness to the man.

Q. But indefinite so far as time is concerned. I think you should ask him to proceed in a reasonable time.—A. Yes.

Q. In one, two or three months, and not give him three, five, ten or fifteen years.—A. One, two or three months would not give him time.

Q. Well, give him six months.—A. Or six months. When you fix a definite date it is arbitrary, and sometimes a man takes a little longer time to secure the necessary evidence.

By Mr. Speakman:

Q. I should think his own finality is sufficient incentive.—A. I know that some of them are exceedingly insistent.

Mr. McLEAN (*Melfort*): Accidents will happen. It may be difficult to find many of his witnesses; they may be away on business.

Mr. McGIBBON: Make it six or twelve months but have finality somewhere.

Mr. McPHERSON: Fixing a date would make it definite.

The WITNESS: The man's own interest is against his waiting an unnecessary lengthy period of time.

Mr. ARTHURS: He wants relief himself.

The WITNESS: And he is right after it.

Mr. McLEAN: Furthermore, the tribunal may not sit in his district more than once in twelve months.

The WITNESS: I hope not, sir; I hope it will do better than that. There ought to be four of them.

Q. But the country is big and wide, and they might not sit in many of the judicial districts very often.—A. Possibly, but they should hold more frequent sittings than is possible now by the Federal Appeal Board.

Q. Yes, certainly.—A. Much more. In connection with the Board of Pension Commissioners, I want to say that I have never found them to be unfair in any way at any time I have had the privilege of appearing before them. They have always been exceedingly courteous, and have gone out of their way to help. In connection with files, through courtesy, the Board oftentimes have discussed and have shown the contents of the file to persons representing the applicant. I acknowledge that with gratitude, but I think it should be made mandatory, and the man, as of right, should have access to whatever has a definite bearing on his case.

To resume:

Upon transfer of the case to the tribunal, all files, together with all documents and records of any nature shall be available to the applicant or his representative for the preparation of the case and the material referred to shall be transferred to and be in possession of the tribunal when the case is heard.

By Mr. McGibbon:

Q. Surely that has been the case in the past.—A. Yes. The Appeal Board, I think, told us that the other day.

The CHAIRMAN: That can be easily worked out.

The WITNESS: If it can be worked out there it can also be worked out so that the man can have access to the file.

Sittings—Tribunals shall sit when and where instructed to do so by the Chief of the Pension Appeal Court, mentioned hereafter.

Preparation and Presentation—An adequate establishment of Soldiers' Representatives, with necessary staff and facilities, to aid in individual cases generally on all Soldiers' Problems. Representatives to be appointed, assigned, controlled and directed by the Chief of the Pensions Appeal Court, who shall have power of dismissal.

Note 1—It is suggested that Soldiers' Representatives shall not of necessity be barristers.

Note 2—All assistance such as service facilities, etc., offered by Returned Soldiers' Associations throughout the country to receive official recognition for the purpose of preparing and, if requested, of presenting cases to Tribunal or Appeal Court.

Note 3—Applicant to have the right to representation other than that provided for but at his own expense.

Section 43, "Pension Act" be amended to include "any services rendered in connection with any proceeding arising out of this Act."

By Mr. McGibbon:

Q. You do not intend to change that?—A. No, sir, I do not think so.

Appeal Court—To be a Court of Separate Jurisdiction to which three members shall be appointed, one of whom shall be Chief or Principal Judge.

Jurisdiction—To hold sessions in Ottawa, unless circumstances, within the discretion of the Appeal Court, require that sessions be held elsewhere.

Hearings on the evidence and record of appeals lodged with respect to cases heard by Pensions Tribunal, when applicant and Pension Board may be represented by Counsel.

By Mr. McPherson:

Q. Do you think it would be necessary that they should have representation if they wished to place it before the appeal court?—A. Eliminating the right to be represented before the tribunal?

Q. Yes. You would have no objection to the Board of Pension Commissioners being represented?—A. We have no objection to the Board of Pension Commissioners appearing in the case if they want to. We cannot object to that, sir.

Mr. McGIBBON: You must not, of course, assume that the Board of Pension Commissioners are antagonistic to the soldiers.—A. Not at all, sir. But to bring out the full merits of the case it is very often necessary to have both sides represented by counsel in the best interests of all concerned.

Limitation of Appeals on Assessment to—

1. Degree of pre-enlistment disability.
 2. Retroactivation.
 3. Any decision as to the existence of an obvious disability at the time of enlistment ("obvious"—as used in section 11, subsection "B").
- Special Appeals—
1. Directly from the Board of Pension Commissioners in matters arising under section 21, Pension Act (Meritorious Clause).
 2. In matters involving jurisdiction of Board of Pension Commissioners and Pensions Tribunal.
 3. For interpretation of the Pension Act.

Administration—The Chief or Principal Judge of the Pension Appeal Court shall generally be responsible for the conduct and administration of the Appeal Court and of the Pension Tribunals.

Decisions—Shall be final and conclusive, provided that provision for reopening on production of newly discovered evidence be retained, subject to deletion of time limit. (Section 51, subsection 5, Pension Act.) Appeal Court to have the right to remit cases back to Tribunal to take new evidence.

Note Generally—That reference to "an application of The Board of Pension Commissioners" includes an application of any nature arising under the provisions of the Pension Act.

By Mr. MacLaren:

Q. Do you propose that the applicant himself appear personally before the Appeal Board?—A. No, we do not make any provision to have the man come here, but I certainly do not see why he could not appear if he came to Ottawa for that purpose.

By Mr. Arthurs:

Q. You would have no objection to the substitution of a different provision for the second section of your Act; that is to say that the board in Ottawa should hear the case in the first instance, and if they decide that a pension is not warranted under the evidence before them they should send out their own tribunal?—A. I am very sorry, sir, but I cannot concur in that suggestion. I do not believe that such machinery would satisfy the applicants generally or the public at large. I am sure that this committee wants to satisfy the men and their friends, and the public at large, that if the men do not get their award it is really because they do not want it. I do not think that your suggestion, sir, would cover the case. I considered that carefully, before coming here, sir, and after having consulted many others.

By Sir Eugene Fiset:

Q. You go even further, because on page 4 under "administration" you place the responsibility of the pension tribunal under the Appeal Board?—A. For telling him where they shall sit and when they shall sit, and so forth.

Q. "Shall generally be responsible for the conduct and administration of the appeal court and of the pension tribunals."—A. Yes, sir. I think that is quite all right; I think it is perfectly feasible.

Q. It is rather an extraordinary procedure to make the court of appeal responsible for the administration of the special tribunal.—A. I know, sir, but administration has nothing to do with decision. It is purely a matter of interior economy, if I might put it that way.

By Mr. Arthurs:

Q. As a matter of interior economy, would it not be better to place those travelling commissioners under the Board of Pension Commissioners.—A. I do not think so, sir. I do not think that would have the proper effect.

By Mr. McPherson:

Q. You would be placing them under what might be called a subordinate court?—A. In a sense, yes.

Q. I would point out that it is more logical to have the superior court manage the interior court.—A. This has nothing whatever to do with decisions.

Sir EUGENE FISET: Those pension tribunals will have to have access to all the files, precis, and other documents that are at present in the possession of the Board of Pension Commissioners themselves, therefore, the logical procedure would be from the Pension Board to those pension tribunals, the appeal from both to go to the Board of Appeal.

Mr. ARTHURS: I would think so.

By Mr. McGibbon:

Q. Is not that the crux of your whole suggestion here based on paragraph 5 "evidence"?—A. Undoubtedly that is exceedingly important.

Q. You say there;

Evidence.—Statutory provision be made that, notwithstanding anything contained in the Pension Act, the Tribunal shall, in cases where no conclusive proof is shown, award pension if from the circumstances of the case, the evidence and medical opinion, a reasonable inference may be drawn in favour of the applicant.

You predicate upon that that the opinion is a matter of ordinary common justice whether it is in the Board of Pension Commissioners or the Appeal Board. If you decide on that the soldier, to my mind, has got nothing left.

He presents his case with the evidence, and if he has not got the evidence out still he has got evidence which may be what might be called reasonable supposition; he wins his case. If he has not got that he loses, whether it is in the Board of Pension Commissioners or the Appeal court.—A. The appearance of the man before the proper tribunal is, in fact, the first full hearing the man has had.

Q. That is part of the evidence, but if this committee is prepared to pass paragraph 5 the opinion is only a matter of ordinary procedure for common justice.—A. But you must have machinery to carry out the intention. I have already stated very clearly, and if I may say, definitely and plainly, my opinion of that.

Q. If you get that, is not that after all the crux of what you are asking for? —A. Is it not necessary to provide machinery along the lines indicated here?

By Mr. Arthurs:

Q. I am still of the opinion that these tribunals should emanate from the Board of Pension Commissioners. I think that, on the whole, the Board of Pension Commissioners have been guided by the limitations of the law which bound them.—A. The appeal court, perhaps.

Q. The appeal board are even worse, but the Board of Pension Commissioners, in the first instance, are bound by the law. They know the defects of this case, and I believe that a tribunal emanating from the Board of Pension Commissioners would be more effective than if directed from a body who, after all, according to your plan, would then overlook their own decisions. I think the proper procedure would be to have it emanate from the Board of Pension Commissioners to a tribunal and then to a board of appeal.—A. That is what it amounts to under this.

Mr. ARTHURS: No, it is not. The tribunal is responsible to a board of appeal.

Mr. MCPHERSON: You are reversing all well-known procedure of courts when you suggest making an inferior court able to give directions to a superior court.

The WITNESS: Which is the inferior court?

Mr. MCPHERSON: Your suggestion is that the Board of Pension Commissioners have control of the tribunal.

Mr. ARTHURS: They should have, yes.

By Mr. McPherson:

Q. What I understand you are getting at is this: here are three, four or five tribunals—A. And they must be separate from the Board of Pension Commissioners.

Q. They are hearing cases which have been refused by the Board of Pension Commissioners?—A. Yes.

Q. And you say that where they shall sit, and so on, shall be fixed by the court of appeal?—A. Yes.

Q. And they shall direct how they shall take up these cases?—A. That is a superior court; that is quite logical.

By Sir Eugène Fiset:

Q. Is it the intention that all the details you have submitted to us should be embodied in the Act itself, or part of it dealt with by regulations?—A. Just so that they are made effective we do not care very much. With the exception of the fifth paragraph we think they might be put in the Act.

Q. Would you be satisfied if they were made part of the regulations that may be based on your recommendation, or on the amendment that the committee may agree to, as far as the amendments to the Act are concerned?—
A. To form a portion or part of the Pension Act?

Q. Because it is dangerous to this extent, that you may be wanting to revise some of the regulations, and if they are part and parcel of the Act you have no chance to do it.—A. I am attempting to submit to you the substance of what, in our considered opinion, is absolutely required. We are leaving it to you as to how that shall be best brought about.

By Mr. McIntosh:

Q. The General wishes to know whether the details of this should go into the Act or not.—A. Well, for instance, the procedure could be made part of the regulations. We are not very much concerned, just so long as they become effective.

Mr. MCGIBBON: I would like to ask permission to put on the record the history of case 500565 that, I think, was referred to by Sir Arthur Currie. I think it is only fair to the Board of Pension Commissioners that it be put in, because I think Sir Arthur is wrong.

The CHAIRMAN: We need not mention the name; it is properly identified by a telegram from the Chairman of the Board of Pension Commissioners to Sir Arthur Currie. It can go in as an appendix to the proceedings.

Mr. MCGIBBON: I think any medical man will admit that Sir Arthur was wrong in his interpretation.

Col. LAFLÈCHE: I think that is all I have on that subject, sir. Shall I proceed with something else?

The CHAIRMAN: Yes.

Col. LAFLÈCHE: I do not know what was in the statement in the case just submitted for record purposes, but I understand, if it goes into the record, there might be further comments upon it, if you gentlemen would accept them at a later date?

I shall not put in anything more on the Pension Act.

The CHAIRMAN: All right, give us "Returned soldiers".

Col. LAFLÈCHE: Mr. Spencer gives me these copies Nos. 22 and 23.

Mr. MCPHERSON: Mr. Chairman, is it the intention to have a sitting in camera to-morrow on the Pension Act and clean the Act up, before we deal with soldiers' settlements, and insurance?

The CHAIRMAN: We are getting the submissions of the Legion on the returned soldiers' insurance, so that when we finish the discussion in camera, we can proceed on soldiers' insurance.

Col. LAFLÈCHE: Mr. Chairman, with respect to returned soldiers' insurance, I have two short and one fairly lengthy resolutions to submit to the Committee. The first is:—

That the time limit governing applications for insurance under the Returned Soldiers' Insurance Act be further extended.

The CHAIRMAN: When does it expire now?

Col. LAFLÈCHE: It would expire on the 30th of August of this year, having been extended one year during the last session of Parliament.

Mr. MCGIBBON: Why not remove the limitation? Do away with it altogether.

Col. LAFLÈCHE: The Special Committee of 1928 recommended that the time limit be extended until 1933. It was, however, extended only for something over a year, and in 1929, extended for another year.

Mr. ILSLEY: What further extension do you wish?

Mr. MCGIBBON: Make it unlimited.

Col. LAFLÈCHE: Unlimited, if you like. I do not see why it should be closed down, except for departmental convenience, because I learned on as good authority as I can find that the possible cost to the country is decreasing. Several years ago it was rather high, as high as in the millions, but by the working out of the Insurance Act the possible loss to-day under the provisions of that Act are in the neighbourhood only of \$1,000,000, and it is gradually and continuously growing less.

Mr. ILSLEY: Why not cut out all limitations then?

Mr. MCGIBBON: The principle of the whole thing was this: that it simply restored a man to his pre-war status. Now why put any limitation to it? This was supposed to apply only to people who could not get insurance in ordinary companies because of war disabilities.

Mr. MCPHERSON: Would not the rates be prohibitive? Are the rates charged for insurance not based on ordinary statistics?

Mr. MCGIBBON: It has practically been self-sustaining ever since it has been inaugurated. One year there might have been a slight deficit, but the point is that it simply put back a man, so that the disabilities the Board took away from him, when he could not get insurance because of any disabilities, we eliminated them. I do not see why there should be any limitation.

Sir EUGÈNE Fiset: Have you asked the Superintendent of Insurance whether he is favourable to the extension?

Mr. MCGIBBON: Please do not call him here.

Sir EUGENE Fiset: I did not intend to.

Col. LAFLÈCHE: No, I did not ask the Superintendent of Insurance. I heard rather late in the session that nothing was expected or intended to be done, and I appealed to the then Minister of Finance, who was the Minister of Insurance—to the Hon. Mr. Robb, and in the last days of the session he was good enough to make it possible that the time limit be extended for one year.

Sir EUGENE Fiset: So that you have not the faintest idea whether the Superintendent of Insurance is favourable to the extension of time or not?

The CHAIRMAN: The answer to that is in the negative.

Col. LAFLÈCHE: I could not say, sir.

Mr. MCGIBBON: There is no justification for limiting it at all.

Col. LAFLÈCHE: Then No. 22, sir.

Whereas a number of applications for Returned Soldiers' Insurance have been refused because in medical opinion the applicant is considered to have no reasonable expectation of life;

And whereas it is felt by the Canadian Legion that in some cases the accuracy of the said medical opinion is open to question;

And whereas, in other cases, the condition of being without reasonable expectation of life is but a temporary condition owing perhaps to the fact that the man is undergoing Institutional treatment, or is about to undergo surgical treatment;

Therefore it is considered that a number of applications which have been refused on the grounds that the applicant has no reasonable expectation of life do, or may, fall in the following classes—

- (a) Where medical opinion as to the present expectation of life is, or will prove to be, in error;
- (b) Where the present condition of the applicant will subsequently improve so that, although not now having a reasonable expectation of life, the applicant will at some future time have a reasonable expectation of life;

Therefore it is submitted that the following procedure should be given effect:—

- (1) No application submitted to the Insurance Division of the Department of Pensions and National Health since June 11, 1928, shall be refused on medical grounds.
- (2) In cases of applicants considered by medical and legal opinion to be eligible for insurance benefits, policies shall be issued in the usual way as at present.
- (3) In cases where, owing to the condition of the health of the applicant, he is not considered eligible for acceptance for full insurance benefit, a limited policy shall be issued in one of two ways; either give the man the policy but allow him a period of a certain number of years, say five, and he must live that long before his policy becomes effective, or otherwise; give him a lien policy. Upon application the Department would give him the policy, but in those cases where he is said to have no reasonable expectation of life, if the man lives one whole year he would receive a certain percentage of the face value of his policy, in two years that much more, and in three, four or five years, so much more, and so on.

Mr. McGIBBON: That only refers to anyone who is non-pensionable?

Col. LAFLÈCHE: No, it is not a question of non-pensionability.

Mr. McGIBBON: Then your answer would be wrong. The whole principle of that insurance was that it would apply to non-pensioners who could not get insurance otherwise. You cannot pay him twice; you cannot pay him a pension and then pay him an insurance.

Col. LAFLÈCHE: At present under the Act if the dependents of the insured receive a pension, only a limited amount of money is payable to the dependents, under clause 6 of the Act. I think it provides for that.

Mr. McGIBBON: I think I was the instigator of the whole thing.

Col. LAFLÈCHE: I hope you do not regret it.

Mr. McGIBBON: No, I don't, but you cannot abuse it. It was only to apply to people who could not get a pension and who could not get insurance.

Colonel LAFLÈCHE: But you do not understand, sir. We are not asking for the deletion of that clause.

Mr. McGIBBON: I asked you if it applied to non-pensioners and you said no.

Colonel LAFLÈCHE: Well, under the Act, of course,—

Mr. McGIBBON: Then you are absolutely wrong. The intention of the Act was that that soldiers' insurance applied only to non-pensioners who were prohibited because of war disabilities from getting insurance from an ordinary company.

Colonel LAFLÈCHE: But, doctor, under the Act at present, clause 6 of the Act, if the insured dies only a limited sum may be paid to the dependents, if they get a pension.

Mr. McGIBBON: I know perfectly well that was the principle of the thing. We discussed it for years before it came in force. There was a certain class of case that did not get a pension.

The CHAIRMAN: You brought down a resolution in the House at a time before this was introduced, for the purpose of covering people who could not get a pension and who were sub-standard risks, and we could assume that the disability was due to service, although we said that we could not prove that it was due to service.

Mr. McGIBBON: And we restored him to his status quo.

The CHAIRMAN: That was the original intention but we have departed from it.

Sir EUGÈNE Fiset: Anyway, that does not prevent Colonel LaFleche from placing his case before us in writing.

Colonel LAFLÈCHE: I think clause 6 governs, Doctor.

Mr. McGIBBON: Very well, go on.

Colonel LAFLÈCHE: There is nothing else except that at present under the Act. The largest policy which may be issued is for \$5,000. If the scheme is not costing the government or the treasury any money you might find it desirable to increase the maximum amount of a policy to \$10,000.

That is all I have, sir.

Now, Mr. Chairman, Captain Brown-Wilkinson, Past President of the Army and Navy Veterans, tells me he would like to say something on insurance, and I would like very much if you would be good enough to hear him. He has made a long study of these matters and I think you would find what he has to say interesting.

Captain BROWN-WILKINSON called.

The WITNESS: Mr. Chairman and gentlemen, dealing with the section the doctor has mentioned in his statement, I was one of the Committee who had considered this with Colonel LaFlèche, and we never considered in any shape or form that any increase of the benefit of the Act shall militate against that clause 6. If the widow gets a pension then she does not get the benefits of the Insurance Act, other than such provisions as are in effect.

Now, might I draw your attention, Mr. Chairman and gentlemen, to the 1919 proceedings, on page 361. I happen to have had the privilege of appearing at that time before the committee of the House known as the Calder Committee who presented this original bill. At that time the provisions of the bill were brought up for the very purpose of providing insurance protection for the dependents of men who, by reason of their war services, were unable to make a secondary provision. Unfortunately we find under the present bill, that a large percentage of the men for whose benefit this Act was originally submitted, are not getting the benefit of it; namely, these sub-normal risks. I would strongly urge upon this Committee the consideration of the submissions of Col. LaFlèche, namely, regarding a lien policy, or something along those lines, for these men for whom this Act was originally intended.

Mr. McPHERSON: Are they not getting this because they have been refused? Or because they have not applied?

The WITNESS: Because they have been refused. When I came to Ottawa, just after the war, I took the matter up with the parties in charge of the Insurance Act, and I found that some 1,146 cases had been refused pension for various reasons.

Mr. McPHERSON: That is insurance, you mean?

The WITNESS: Yes, not pension, insurance.

Mr. McGIBBON: But they were pensioners?

The WITNESS: No, they were not pensioners at all, for various reasons. The statistics can be obtained from the Department.

Mr. McLEAN (Melfort): Did you find out what the likelihood of life was?

The WITNESS: They said, no expectancy of life.

Mr. McLEAN (Melfort): Did you check up on those applicants to see what it was?

The WITNESS: No, the time at my disposal precluded me inquiring in the original cases which were 1,146 in number, but the suggestion of the Committee is this; that if these 1,146 people have survived the war for some eleven or twelve years now, and if the original intention of the Act was to enable such cases to make provision for their families, which they were precluded from doing by reason of their war service, and if you will put in the vast majority of these cases a form of lien policy, that would meet the situation.

Mr. McGIBBON: Let me get you right. Were these people who were refused non-pensioners?

The WITNESS: I can get you the figures, sir.

Mr. McGIBBON: I am asking you.

The WITNESS: 699 were non-pensioners.

Mr. McGIBBON: Were they refused a pension on the ground of non-war disability?

The WITNESS: That I am unable to say.

Mr. McGIBBON: That is the crux of the whole thing. You must get that information to satisfy me.

The WITNESS: At least they have seen service.

Mr. McGIBBON: That is not the point. The point is that they had a post-war disability which was not attributable to the war at all, and the Act was not framed for that, I am not saying whether rightly or wrongly, but it was framed for that classification.

The WITNESS: Mr. Chairman, may I again ask you to read the resolution which, as a matter of fact I had the privilege of presenting to this House in 1919?

Mr. McGIBBON: Read the Act. That will be more important.

The WITNESS: I can read the resolution on which the Act was passed.

Mr. McGIBBON: No, read the Act. All Acts are not passed on resolutions that come before this Committee.

The WITNESS: At least that is my suggestion, that with the idea of soldiers' insurance the Parliament of Canada acted upon this resolution.

Mr. McGIBBON: You are wrong, I brought it up years before that.

The WITNESS: In 1919?

Mr. McGIBBON: Yes, I brought it up years before that myself and years before that it was adopted, and the principle of the thing was to restore a man who had a war disability to his pre-war status. That was the principle of it. I know because I brought the thing up in the House.

The WITNESS: Well, Mr. Chairman, if I had the privilege of reading this resolution, it is here on page 361 of the proceedings.

Mr. McGIBBON: You are quoting your own resolution, but you should quote me the Act.

The WITNESS: The point is this, that of the people who have been rejected for non-expectancy of life, of the 447 there were 315 between 1920 and 1923 who were pensioners and 132 non-pensioners. And between 1928 and 1930, 637 were pensioners and 72 were non-pensioners.

Mr. McGIBBON: Confine yourself to the 72, because they are the only ones to whom it applies, that were non-pensioners. Was their disability a war disability or was it a post-war disability?

The WITNESS: That, sir, I am not in a position to say.

Mr. McGIBBON: You have got to say before you can make up the case, because if it were a post-war disability they are not proper applicants for this insurance.

The WITNESS: Then may I submit this, sir; that apart from those who are non-pensioners the provision of the Act is to provide support for the dependents of men who may be pensioners but who do not die of their pensionable disability.

Mr. McGIBBON: No, you are wrong.

The WITNESS: Pardon me, sir. A man may be 50 per cent tubercular and be knocked down by a street car and die of his injuries, but he does not die of his war disability.

Mr. McGIBBON: I think you are wrong because the point is simply this; if the man is a pensioner the country has provided for his war disability.

The WITNESS: Not after his death though, sir.

Mr. McGIBBON: If he is not a pensioner and has a war disability which precludes him from getting insurance, then the government steps in and says: "We will give you insurance because the war has precluded you from getting insurance from the ordinary company." Now, suppose he contracts rheumatism five years after the war and from that rheumatism follows an endocarditis, so that he is not insurable; that is not a legitimate case to come under the Insurance Act, because it is not a war disability. That is my point.

The WITNESS: Out of the 1,146 who have been refused, 942 are pensioners and 204 are non-pensioners.

Mr. McGIBBON: Then you can confine your case to the 204 non-pensioners, because that is what it was intended for; not pensioners at all. Now confining yourself to the 204 non-pensioners, then the point arises, were they precluded from getting insurance in ordinary companies because of war disability or post-war disability? If it was a war disability, they should get it without a shadow of doubt. If it was a post-war disability they were not intended to come under this Insurance Act.

The WITNESS: Mr. Chairman, may I submit again that the Act surely does not read that way? As I say, the man may be suffering 50 per cent from tuberculosis. He can take out insurance and if he dies from a street car accident, his family will get the insurance. If he dies of something which is not attributable to war service his widow or dependents do not get any benefit, but they do get the benefit of this Act.

Mr. McGIBBON: If you had a 50 per cent war tuberculosis, you would get a pension.

The WITNESS: But if I die of something other than my war disability, my widow gets the insurance.

Mr. McGIBBON: It was not supposed to cover that class of case.

The WITNESS: It does, though, sir.

Mr. McGIBBON: It was only for the purpose of restoring a man who had a war disability that precluded him from getting insurance and who was not getting a pension, to restore his status.

Sir EUGENE Fiset: The fact remains that we will have to examine the Act as it stands.

Mr. McGIBBON: I am not discussing whether you want to make a new Act or not. I am discussing the intention of the committee when they recommended that Act; there is no doubt about that.

The WITNESS: There is only one other point, that is the increased insurance up to \$10,000. The statistics are available here as to the \$5,000. There are very few people who are taking out more than \$5,000. However, there are some who wish to take \$10,000, and the whole spirit of the Act up to the present, precludes those suffering from war disability taking more and they shall be, by reason of this new Act, restored to something of the position of those taking out ordinary insurance. There are about one hundred, I do not think more than

two hundred, who wish to take \$10,000. After all, that amount only gives the family, the wife and children, \$40 a month. If there are only one or two hundred ex-service men in Canada who, by reason of war disability, but not otherwise, are precluded, should not their position be restored under the Act, providing that they may have \$10,000 insurance, which, as I already said, will only give the wife and family \$40 a month? That is figuring it at 5 per cent. I am suggesting this because of the very small number, and you might see fit to recommend that these men be given \$10,000 insurance to those who wish it. I am satisfied the numbers are few, but in the spirit of justice, I think they should be able to take advantage of that provision.

Mr. McLEAN (*Melfort*): Would not \$10,000 provide a much larger annuity than \$40 a month?

The WITNESS: \$10,000 at 5 per cent is \$40 a month. An annuity, you say; possibly so.

Mr. THORSON: Does not the whole argument depend upon how you widen the insurance provision? That is, if you remove the scope there may be 10,000 instead of the few hundred you now mention.

The WITNESS: So far as the lien policy is concerned, I would be satisfied, and I think the others are, if it were still limited to \$5,000, but in the case of the others who are not under lien policy, those who have been approved to date, should be allowed this extra \$5,000. I think the numbers are small, but the principle underlying is sound.

Mr. McGIBBON: That is the non-pensioners.

The WITNESS: I disagree with you, sir, as to non-pensioners.

Colonel LaFLÈCHE: I am awfully sorry to disturb you further, gentlemen, at this late hour, and I will be as brief as possible. The surprising announcement made in the House to-day has aroused considerable fears throughout the country in the minds of the returned men, their families and all their friends, lest legislation be not put through at this session. We returned men read this morning, with a great deal of pleasure and reassurance, the comments of the Prime Minister and the Leader of the Opposition, when speaking yesterday in connection with war veterans' allowances, which will be found on pages 1854 and 1855 of Hansard, from which we take it that this session will not close until the recommendations of this committee have been reported and dealt with by Parliament.

Mr. McGIBBON: Do not take too much for granted.

Colonel LaFLÈCHE: We would very much like to know, sir, what we may expect, because we have received a large number of telegrams to-night, and the whole country seems to be alarmed. I am not so much myself, but we would like to know that the Committee will finish its work.

The CHAIRMAN: I will tell you what the Prime Minister said this afternoon. He said he hoped an arrangement would be entered into between the leaders of all parties to the effect that certain legislation considered to be of major importance, and which can be agreed upon, should be passed before dissolution. If the returned soldiers will not bother us too much with evidence, I think we can get out a report. I hope we may be able to do so, and with the consent of all parties here, I suggest that we sit to-morrow afternoon in camera, and after a little discussion I think we may be able to bring down some kind of a report. Will Dr. McGibbon agree with me on that?

Mr. McGIBBON: I am not the Leader of the Opposition.

The CHAIRMAN: You are very good opposition.

Colonel LaFLÈCHE: We may leave that with you, having some reassurance.

The CHAIRMAN: I am not the leader of the government. I am telling you we will do what we can.

The Committee adjourned until 4.30 p.m., Wednesday, May 7th.

APPENDICES

Appendix No. 12—Reorganization and Recommendations, Soldiers' Adviser System, J. R. Bowler.

Appendix No. 13—Memorandum on Revision of Pension Machinery, Col. L. R. LaFlèche.

Appendix No. 14—Statement on Procedure in Appeals to the Federal Appeal Board.

APPENDIX No. 12

SUGGESTIONS RE RE-ORGANIZATION OF SOLDIERS' ADVISER SYSTEM

TUESDAY, May 6, 1930.

Major C. G. POWER, M.P.,
Chairman, Parliamentary Committee of
Pensions and Re-Establishment,
House of Commons, Ottawa.

SIR,—As requested by the Committee on May 1, 1930, we, the undersigned, have the honour to submit the following recommendations with regard to the re-organization of the Soldiers' Adviser system, these recommendations being based on our experiences as Official Soldiers' Advisers:—In order that as many suggestions as possible might be brought forward, we have had Mr. Askwith Official Soldier Adviser at Ottawa join us in making this submission.

1. ESTABLISHMENT

The following establishment is suggested as being the minimum in the larger centres.

Official Soldiers' Adviser

Assistant to Official Soldiers' Adviser

Male Clerk

Stenographer

All on full time basis with additional stenographic assistance if, and when required. This establishment to be varied as the need may be shown to exist in each district.

2. DUTIES

(a) *Official Soldiers' Adviser*

To be responsible for preparation and presentation of cases and to advise and assist ex-members of the forces and their dependents in matters pertaining to re-establishment, treatment and pension and to perform such other duties as may be prescribed.

(b) *Assistant to the Official Soldiers' Adviser*

Generally to deal with all cases in the first stages under the advice of the Soldiers' Adviser and to assist in the actual preparation of cases. Generally to deal with matters of a routine nature, to act as an investigator and to take all interviews except when necessary for the applicant to see the Soldiers' Adviser personally. To represent the Soldiers' Adviser in his absence and at such time to be in charge of and responsible for the office.

(c) *Clerk*

To act as counter clerk, to receive all enquiries and to answer same as far as possible. Where interviews necessary, to direct callers to Official Soldiers' Adviser, or assistant, to answer all telephone calls and to be responsible for the files.

SPECIAL COMMITTEE

TRAVELLING

The Soldiers' Adviser and Assistant to have adequate Travelling facilities for the purpose of investigating cases and for the purpose of interviewing applicants and witnesses where possible.

STAFF

Clerks, stenographers, etc. to be paid at the rates prevailing in the Department in respect of similar services.

OFFICES

Office accommodation and all equipment and facilities to be without cost to the Soldiers' Adviser outside the premises of the Department.

BOARD OF PENSION COMMISSIONERS PROCEDURE

Pension Board upon receiving applications which cannot then be allowed to advise the applicant fully as to his rights in the matter of further proceedings, with full details as to the machinery at his disposal for the preparation and presentation of his case.

MEDICAL OPINION

The Official Soldiers' Adviser to be empowered in his discretion to secure medical opinion, when necessary, at public expense, but subject to regulation as to cost.

FILES AND DOCUMENTS

Upon an application being referred to a Soldiers' Adviser, all Head Office files and documents of every kind, including military documents, to be forwarded to the district for examination by the Soldiers' Adviser. The district staff to assist the Soldiers' Adviser in checking documents with files where copies of documents are required in order to secure a faithful duplication.

The Soldiers' Adviser to have the right to examine file and documents in any case of whatsoever nature referred to him in respect of which he has the written authority of the applicant. (While concurring in the principle that it is advisable for Soldiers' Advisers to have full discovery of all documents, I doubt the practicability of the removal of files from Head Office.)

K. G. MACDONALD.

SITTING OF BOARD OR TRIBUNAL

(a) Cases not to be listed for hearing until notification received from the representative of the applicant stating that the case is ready for hearing.

(b) The number of sittings in each district should be arranged so as to avoid unnecessary delay caused by undue accumulation of cases ready for hearing. Sittings to be held as near the place of residence of the applicant as would be reasonably possible.

(c) Headquarters file and all original documents and the district files to be made available at the hearing. Judgment to be rendered immediately upon conclusion of the hearing of the case, whenever possible. Presence of documentation will facilitate this practice and prevent delay.

CHIEF SOLDIERS' ADVISER

1. Head Office.

Should be located at Head Office in Ottawa, with ready access to all files and documents, and in close touch with officials of the different branches.

2. Duties.

(a) Generally to supervise and control the work of Official Soldiers' Advisers.

(b) To ensure that they are provided with all facilities necessary in order to adequately carry out their duties.

(c) To make regulations for the co-ordination of practice and procedure, and for the purpose of establishing uniformity.

(d) To visit the offices of the Soldiers' Advisers, from time to time, and to hold conferences at Ottawa, at least once a year.

(e) To make recommendations as to the number of Soldiers' Advisers required, and their location.

(f) To ensure the co-operation of the Pension Board, Department, and Veterans' Organizations with the Soldiers' Advisers, and to provide a contact with these bodies at Ottawa.

(g) To instal a uniform record system, and to provide for periodical inspection and reports.

(h) To advise on questions arising under the Pension Act, or other returned soldier legislation.

(i) To present cases in Ottawa at the request of District Soldiers' Advisers.

(j) To devote full time to the position and to be provided with an assistant, and such staff as may be found necessary to carry out the above-mentioned duties.

GENERAL

The Soldiers' Adviser system, whatever it may be, cannot in our opinion, operate as a substitute for the services now provided by Veterans' Organizations, particularly the services provided by the Canadian Legion, through its Branches and Commands and we think, that to ensure the maximum of service to the returned soldier, it should work in close co-operation with these organizations. In other words, each should utilize the services of the other.

To attempt to build up a Soldiers' Adviser system, equivalent in scope to the Veterans' organizations, would not appear to us to be feasible, not only by reason of the expense involved, but also due to the fact that it would result in unnecessary duplication of effort. We feel therefore, that the present facilities of these organizations should be utilized to the fullest extent, and that conferences should be held between the representatives of the organizations, and the department, in order that a working agreement may be reached which will ensure the fullest co-operation.

Respectfully submitted,

J. V. CONROY,

Official Soldier Adviser, D District.

CHARLES ASKWITH,

Official Soldier Adviser, C District.

J. R. BOWLER,

Former Soldier Adviser, G District.

K. G. MACDONALD,

Chief Soldier Adviser.

APPENDIX No. 13

MEMORANDUM

PROPOSED REVISION OF PENSION MACHINERY

(Submitted by Lieut.-Colonel L. R. LaFlèche)

1. *The Board of Pension Commissioners* as at present, to receive all applications in the first instance, and to make awards in all cases where it considers entitlement exists.

2. *Pensionable Tribunals.*—Consisting of an adequate number of members to permit of four Tribunals, with territorial jurisdiction, and to sit at convenient points to permit appearance of applicant and witnesses.

Members to be interchangeable, of the calibre of standing of judges free from political or other influence, and chosen from varied professions or occupations. The Pension Tribunal to be vested with full jurisdiction with respect to the Pension Act, and to hear applications de novo in open Court in the presence of the applicant. The applicant to have the option of having his case heard in camera.

For this purpose, all files and all documents of any nature to be in possession of the Tribunal. Applicant's right of appearance before Pensions Tribunal to provide for representation as recommended under heading of "Preparation and Presentation." The Board of Pension Commissioners to be represented before the Tribunal if they so desire. The awards of the Tribunal shall bind the Pension Commissioners, who must carry out the decisions of the Tribunals including, of course, the rate of award.

3. *Evidence.*—Statutory provision be made that, notwithstanding anything contained in The Pension Act, the Tribunal shall, in cases where no conclusive proof is shown, award pension if from the circumstances of the case, the evidence and medical opinion, a reasonable inference may be drawn in favour of the applicant.

4. *Medical Opinion.*—In connection with Tuberculous cases, that the applicant have recourse to the opinion of a Specialist (preferably a Medical Superintendent of a Sanatorium), based on clinical examination at public expense; the right to be extended to include cases of a corresponding nature. In cases, other than those referred to, it is suggested that such right be obtained by application to the Tribunal.

Where the record of the Board of Pension Commissioners contains the opinion of a Specialist, the applicant shall, as of right, be permitted recourse to a Specialist, at Government expense. (See evidence of Captain Gilman and Mr. Hale—pages 110 to 116 of the Proceedings.)

5. *Witnesses.*—That provision be made for summoning witnesses.

6. *Expenses.*—That the applicant's expenses be met on the same basis as under existing Federal Appeal Board procedure.

7. *Notes as to Procedure.*—From the time the application for Pension is filed with the Commission, the applicant or his representative shall have access to all files, documents and records.

When the Board of Pension Commissioners is unable to make an award the application shall not be rejected, but the Board of Pension Commissioners shall advise the applicant that he has the right to have his case heard by the Tribunal in his Territory, and shall also advise the applicant fully as to his rights in connection with the preparation and presentation of his claim.

After such notice has been given the applicant the Board of Pension Commissioners shall refer the case to the Pension Tribunal, upon a request from the applicant and when transferred the case shall be set down for hearing, upon notification by the applicant or his representative, of his readiness to proceed.

Upon transfer of the case to the Tribunal, all files, together with all documents and records of any nature shall be available to the applicant and/or his representative for the preparation of the case and the material referred to shall be transferred to, and be in possession of the Tribunal when the case is heard.

8. *Sittings.*—Tribunals shall sit when and where instructed to do so by the Chief of the Pension Appeal Court, mentioned hereafter.

9. *Preparation and Presentation.*—An adequate establishment of Soldiers' Representatives, with necessary staff and facilities, to aid in individual cases generally on all Soldiers' Problems. Representatives to be appointed, assigned, controlled and directed by the Chief of the Pensions Appeal Court, who shall have power of dismissal.

Note 1.—It is suggested that Soldiers' Representatives shall not of necessity be barristers.

Note 2.—All assistance such as service facilities, etc., offered by Returned Soldiers' Associations throughout the country to receive official recognition for the purpose of preparing, and, if requested, of presenting cases to Tribunal or Appeal Board.

Note 3.—Applicant to have the right to representation other than that provided for but at his own expense.

Section 43 "Pension Act" be amended to include "any services rendered in connection with any proceeding arising out of this Act."

10. *Appeal Court.*—To be a Court of Separate Jurisdiction to which three members shall be appointed, one of whom shall be Chief or Principal Judge.

11. *Jurisdiction.*—To hold sessions in Ottawa, unless circumstances, within the discretion of the Appeal Court, require that sessions be held elsewhere.

Hearings on the evidence and record of appeals lodged with respect to cases heard by Pensions Tribunal, when applicant and Pension Board may be represented by counsel.

12. *Limitation of Appeals on Assessment to:*

1. Degree of pre-enlistment disability.
2. Retroactivation.
3. Any decision as to the existence of an obvious disability at the time of enlistment, ("obvious"—as used in Section 11, subsection "B").

13. *Special Appeals:*

1. Directly from the Board of Pension Commissioners in matters arising under Section 21, Pension Act (Meritorious Clause).
2. In matters involving jurisdiction of Board of Pension Commissioners and Pension Tribunal.
3. For interpretation of the Pension Act.

Administration.—The Chief or Principal Judge of the Pension Appeal Court shall generally be responsible for the conduct and administration of the Appeal Court and of the Pension Tribunals.

Decisions.—Shall be final and conclusive, provided that provisions for re-opening on production of newly discovered evidence be retained, subject to deletion of time limit. (Section 51, subsection 5, Pension Act.) Appeal Court to have the right to remit cases back to Tribunal to take new evidence.

Note Generally.—That reference to “an application to The Board of Pension Commissioners” includes an application of any nature arising under the provisions of the Pension Act.

APPENDIX No. 14

PROCEDURE IN APPEAL CASES

COMPLETION OF DISTRICT AND HEAD OFFICE FILES

The following is the present procedure:—

1. When an appeal has been lodged with the Federal Appeal Board the Board shall forward to the District Office of the Department in which the District file of the appellant is held, a list of all relevant papers on the Head Office file.

2. Immediately on receipt of a list from the Board the District Administrator shall compare it with the District file and if it is found that there are any relevant papers on the list not on the District file immediate notification shall be sent to Head Office.

3. The District Administrator or his representative shall also examine carefully the District file to ascertain whether there are any original letters, prescriptions, reports, medical certificates, records or notes of interviews or other relevant documents which have not been included in the list furnished by the Board and, if any such are found, copies shall at once be made and forwarded to Head Office. Particular attention shall be paid to documents filed prior to 1924. At the time that any additional documents are forwarded to Head Office, a notification that this has been done shall be addressed to the Secretary of the Federal Appeal Board.

E. H. SCAMMELL,
Secretary.

DEPARTMENT OF PENSIONS AND
NATIONAL HEALTH,

OTTAWA, May 6, 1930.

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Canadian Pension and Returned Soldiers' Problems; Special Session, 1930

(SESSION 1930)

(HOUSE OF COMMONS)

GOVT PUBNS

SPECIAL COMMITTEE

ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND FIFTH REPORT

No. 14—Wednesday, May 7th; Thursday, May 8th, and
Wednesday, May 14th, 1930



APPENDIX No. 15—Statement of Board of Pension Commissioners Re
Ex-Soldier No. 500565.

APPENDIX No. 16—Summaries of Suggestions and Resolutions Received
from Various Sources by Committee.

APPENDIX No. 17—Statistical Tables of Returned Soldiers' Insurance
Division.

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1930

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, COMMITTEE ROOM 368.

WEDNESDAY, May 7, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 4.30 o'clock, the Chairman Mr. Power, presiding.

Members present:—Messrs. Adshead, Arthurs, Fiset (Sir Eugene), Gershaw, Ilsley, McGibbon, McIntosh, MacLaren, McPherson, Manion, Power, Ross (Kingston), Speakman, and Thorsen,—14.

Col. O. M. Biggar, Counsel, was also present.

The Committee proceeded *in camera* to consider the present organization and procedure relating to the administration of pensions, and also the Alternative proposal with respect to the Department of Pensions and National Health, the Board of Pension Commissioners, a Veterans' Bureau or Soldiers' Adviser system, Pension Appeal Courts or Boards as set forth in Memorandum prepared by Counsel.

At 6 o'clock the Committee adjourned until to-morrow at 11 a.m.

HOUSE OF COMMONS COMMITTEE ROOM 368,

THURSDAY, May 8, 1930.

The Committee met at 11 o'clock, the Chairman, Mr. Power, presiding.

Members present:—Messrs. Adshead, Arthurs, Black (Yukon), Fiset (Sir Eugene), Gershaw, Hepburn, McIntosh, MacLaren, McPherson, McLean (Melfort), Manion, Power, Speakman, and Thorson,—14.

Honourable Senators present:—Messrs. Béland, and Graham.

The Committee proceeded *in camera* to consider the Recommendations of the Canadian Legion and other Soldiers' Organizations as set forth at page 95 of the printed proceedings.

The Committee in open session considered the question of Soldiers' Land Settlement. It was agreed that the following Sub-Committee be appointed with power to add the names of other members of the Committee or of the House to hear evidence, if necessary, and to report:—

Messrs. Speakman, Arthurs, McLean (Melfort), McPherson, and Manion.

The Committee then adjourned until Wednesday, May 14, at 11 o'clock a.m.

HOUSE OF COMMONS, COMMITTEE ROOM 368,

WEDNESDAY, May 14, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 11 o'clock, a.m., the Chairman, Mr. Power, presiding.

Members present:—Messrs. Adshead, Arthurs, Black (Yukon), Gershaw, Hepburn, Ilsley, McGibbon, MacLaren, McPherson, Manion, Power, Ross (Kingston), and Speakman,—13.

Honourable Senators present:—Messrs. Béland, Griesbach, Lewis, Macdonell, and Taylor.

Col. O. M. Biggar, Counsel, was also present.

The Committee *in camera* proceeded to consider the recommendations contained in the proposed amendments to the Pension Act as set forth in the form of a Bill drafted for presentation to the House with the Committee's Fifth Report.

Recommendations 1 to 12 inclusive and part of 13 were considered.

At one o'clock, the Committee adjourned to meet again *in camera* at four o'clock.

AFTERNOON SITTING

WEDNESDAY, May 14, 1930.

The Committee met at 4 o'clock, the Chairman, Mr. Power, presiding.

Members present:—Messrs. Adshead, Arthurs, Black (Yukon), Gershaw, Hepburn, Ilsley, McGibbon, McIntosh, MacLaren, McPherson, Manion, Power, Ross (Kingston), and Speakman,—14.

The Honourable Senator Griesbach was present.

Col. O. M. Biggar, Counsel, and Mr. Maurice Ollivier, of the Law Branch, H. of C., were also present.

The Committee *in camera* considered recommendations 13 to 16 inclusive relating to proposed amendments to the Pension Act; and also the recommendation relating to the proposed amendment to the Insurance Act. All of the recommendations as finally revised and considered were unanimously agreed to.

A draft copy of the fifth and sixth reports to be presented to the House was read by the Chairman and considered. A Sub-Committee consisting of the Chairman, Mr. Adshead and Mr. Arthurs was, on motion of Mr. McGibbon, appointed to prepare copy of said reports as considered, and have same presented to the House together with the recommendations above described.

The Clerk of the Committee was instructed to print as appendices to the Committee's proceedings, (1) Summaries of suggestions and resolutions received by the Committee from various sources, which were referred to a sub-Committee for further inquiry; (2) Statistical Tables prepared and submitted by the Returned Soldiers' Insurance Division of the Department of Pensions and National Health. See Appendices 16 and 17 herein: also Appendix 15, relative to statement of Board of Pension Commissioners.

The Committee then adjourned until called by the Chair.

SPECIAL COMMITTEE ON PENSIONS AND RETURNED SOLDIERS' PROBLEMS—FIFTH REPORT

(Presented by the Chairman on the 14th of May, 1930)

By leave of the House,—Mr. Power moved, That the House do now return to Routine Proceedings; which was agreed to.

Mr. Power, from the Special Committee on Pensions and Returned Soldiers' Problems, presented the following as its Fifth Report:—

The Committee was appointed on March 3rd, 1930, and consisted of nineteen members. It held twenty meetings and has examined, chiefly on the subject of this report, thirty-five witnesses, of whom twenty-four were officers of or interested in service organizations and nine were departmental officers.

Honourable Members of the Senate Committee appointed to consider analogous problems attended many of the meetings of the Committee, although not specifically appointed to act jointly therewith.

The principal point with respect to the operation of the Pension Act which has impressed the Committee has been the number of applications for benefit under it which are made and require to be considered, even after an interval of nearly twelve years from the conclusion of the war. At present there is not, and cannot be, anything in the nature of public hearings at which the considerations for and against the granting of applications can be canvassed in the presence of those interested, with the result that, however carefully the written records, in many cases admittedly incomplete, may be examined and considered by the Board of Pension Commissioners, many applicants for pension are, rightly or wrongly, disinclined to believe that their cases have received the comprehensive and detailed consideration which they think they deserve.

This attitude of mind on the part of the applicants is intensified by the fact that the whole burden of critically examining the grounds upon which claims are put forward must, under the present system, be assumed by the members of the Pension Commission and its staff.

Naturally, applicants whose applications have been refused have regarded the Commission's adverse conclusions as having been due to its having too zealously discharged its duty as guardian of the public treasury; and have consequently denied its impartiality. Since many applications must necessarily be refused, the result has been widespread dissatisfaction among the very class of persons who claim to be those for whose benefit the Pension Act was passed.

The main recommendations of the Committee which are submitted herewith in the form of a Bill to amend the Pension Act are therefore directed to meeting the fundamental difficulties above indicated. Their chief purpose is to provide machinery whereby (1) every applicant for pension will be afforded full opportunity to be heard, that is, that he will have his "day in court," and (2) that the body charged with adjudicating on applications will have imposed upon it no function except that ordinarily imposed upon judicial tribunals, namely, the function of hearing the representations made to it on both sides and coming to a conclusion on evidence openly adduced in court.

It is proposed to leave the Pension Board to perform, in the first instance, a duty identical with that with which it is now charged, that is, the duty of considering all applications made and of granting those which, upon the material available, it appears proper to grant. In addition to the Pension Board, how-

ever, it is proposed to set up a Pension Tribunal consisting of nine members whose functions will be exclusively judicial. A quorum of this court will ordinarily be two, eight of the members being assigned in pairs to specific territorial areas into which the country will be divided and in which they will hold public hearings at which will be heard all representations that may be made on behalf of any applicant whose application the Pension Board has, for any reason, considered that it cannot grant. The territorial areas are not specified in the Statute, their definition and the assignment of members of the court to each being left to the Chairman of the Tribunal, who will himself reside at Ottawa.

To ensure the proper presentation of cases before the Tribunal and, so far as possible, to shorten its proceedings, it is considered desirable to provide for the representation before the Tribunal not only of the applicant, but also of the public which provides the funds of which the Tribunal is empowered to dispose. The Committee accordingly suggests that authority should be given for the organization of a Veterans' Bureau staffed with pension advocates, and also for the appointment by the Pension Commission of a staff of counsel. It will be the duty of the pension advocates to prepare on behalf of the applicant the material which should be submitted to the Tribunal in support of the application, and of the commission counsel to examine the material with a view of conceding before the Tribunal all those points which may properly be conceded in the applicant's favour, and at the same time of directing the Tribunal's attention to any matters which appear to require its special consideration in order that it may arrive at a proper decision.

Finally, in addition to the Pension Tribunal, the Committee proposes the establishment of a Pension Appeal Court to which an appeal will lie in cases falling within certain categories so defined as to include the more important cases affecting individuals only and all cases of general interest with which the Tribunal will be called upon to deal. This court will, according to the Committee's proposal, consist of three members who will sit together at Ottawa and hear appeals on the record and material submitted to the Pension Tribunal without hearing further evidence, but will be empowered in any case in which the record is for any reason unsatisfactory to remit the case to the Tribunal for re-hearing. In unappealed cases the decision of the Tribunal will, of course, be final and binding, and this will also be true of the decision of the Pension Appeal Court in any case in which an appeal is taken.

In addition to the foregoing questions of organization and procedure the Committee proposes the enactment of a general rule governing the Commission, the Pension Tribunal and the Appeal Court, whereby all reasonable inferences are to be drawn in favour of the applicant, who is to be given the benefit of the doubt, the rules stating that the applicant is to be relieved from the obligation of giving conclusive evidence in favour of his right, an obligation which it is in many cases quite impossible for him to discharge.

The remaining amendments proposed deal with particular points in respect of which the operation of the Pension Act as it stands has been found unsatisfactory. The Committee proposes that the Chairman of the Pension Commission should be given power to regulate the meetings of the Commission, that the provisions of the present Act requiring application for pension in respect of death to be made within three years after the death complained of or within three years after dependency arises be repealed, that members of the forces who have accepted final payments in lieu of pension should be entitled to be restored a pension, notwithstanding that their disabilities have not increased, and that the present provisions designed to prevent marriage being entered into for the sake of the widow's pension should be modified by providing that a widow who has married a pensioner should be entitled to a pension upon his death

from an injury or disease attributable to service if the marriage took place either before the pension was granted or before January 1st last. The other changes proposed by the Committee relate only to matters of detail in respect of which minor amendments are necessary by reason of the principal changes recommended.

The Committee has had under consideration a number of further suggestions, but has limited its recommendations for the amendment of the Act to those to which reference has already been made, since it considers that the remaining suggestions may advantageously be allowed to stand over for further consideration until experience has been obtained as to the working out of the new organization now proposed.

The Committee desires to acknowledge the great assistance which it has received from officers of the service organizations and others who have spared no pains to give the Committee every possible assistance.

The Committee begs to recommend that of this report there be printed 2,500 copies in English and 300 copies in French, these to be distributed in the same manner as its day-to-day proceedings. It further recommends that the Order of Reference, Reports, Proceedings and the evidence, together with a suitable index to be prepared by the Clerk of the Committee, be printed and appear both as an appendix to the Journals of the House and in separate blue book form, 500 copies in the latter form being printed in English and 200 copies in French. For the purpose of the foregoing it recommends that Standing Order 64 be suspended.

DRAFT BILL SUBMITTED BY COMMITTEE

An Act to amend the Pension Act.

His Majesty, by and with the consent of the Senate and the House of Commons of Canada, enacts as follows:—

1. The Pension Act, chapter one hundred and fifty-seven of the Revised Statutes of Canada, 1927, is amended by substituting the heading "Organization" for the heading preceding section three thereof.

2. Subsection eight of section three of the said Act as amended by section four of chapter thirty-eight of the Statutes of 1928 is repealed and the following is substituted therefor:—

"(8) The chairman of the Commission shall have power to decide when and where each of the meetings of the Commission shall be held and to determine which, if any, members of the Commission may be permitted to absent themselves from any meeting."

3. Section five of the said Act as enacted by section five of chapter thirty-eight of the Statutes of 1928 is repealed.

4. Section nine of the said Act and section ten as enacted by section six of chapter thirty-eight of the Statutes of 1928 are repealed and the following sections are substituted therefor:—

"9. (1) The Governor in Council may appoint nine persons to be members of a Pension Tribunal; one of such persons shall be appointed chairman of the tribunal and he and each of the other members thereof shall hold office for ten years, subject only to earlier removal for cause.

(2) The salary of the chairman of the Pension Tribunal shall be seven thousand dollars a year and the salary of each of the other members thereof shall be six thousand dollars a year.

"10. (1) The Governor in Council may appoint three persons to be members of a Pension Appeal Court; one of such persons shall be appointed president thereof and he and each of the other members thereof shall hold office for ten years, subject only to earlier removal for cause.

(2) The salary of the president of the Pension Appeal Court shall be eight thousand dollars a year and the salary of each of the other members thereof shall be seven thousand dollars a year.

"10a. Each member of the Pension Tribunal and each member of the Pension Appeal Court shall devote his whole time to the performance of the duties of his office and shall not hold any other office or employment.

"10b. All the members of the Pension Appeal Court and the chairman of the Pension Tribunal shall reside at Ottawa or within ten miles thereof and each of the other members of the Pension Tribunal shall reside at such place as may be directed by the chairman.

"10c. Notwithstanding anything in this Act contained, no member of the Pension Tribunal or of the Pension Appeal Court shall continue in office after he has attained the age of seventy years, unless it is declared by the Governor in Council, either before or within one month after the termination of such member's tenure of office, that it is in the public interest that he should remain in office for an additional period of twelve months, but no such declaration shall authorize the continuance in office of any such member after he has attained the age of seventy-five years.

"10d. (1) The Governor in Council, upon the retirement of any member of the Commission, the Pension Tribunal or the Pension Appeal Court who has served upon one or other of such bodies, during at least twenty years or who has so served during at least ten years and has reached the age of seventy years, or is physically or mentally incapacitated, may grant to him a pension for his life not exceeding one-third of the salary to which he was entitled as such member.

(2) For the purpose of this section, service as a judge appointed by the Governor in Council prior to appointment as a member of the Pension Tribunal or of the Pension Appeal Court shall count as service as a member of such tribunal or court as the case may be, provided that if any such member would have become entitled to a greater pension or retiring allowance under any other statute if he had continued as such judge during his service on the tribunal or court, he may be granted such greater pension or retiring allowance in lieu of the pension by this section provided.

"10e. (1) Notwithstanding anything in the Civil Service Act or any other statute, the Governor in Council may appoint a registrar of the Pension Appeal Court and a registrar of the Pension Tribunal who shall have their offices at Ottawa.

(2) Such registrars shall be entitled to receive such salaries as may be fixed by the Governor in Council.

"10f. There may be appointed in the manner authorized by law such assistant registrars as may be required to act at sittings of the tribunal and of such clerical assistants as may be necessary for the conduct of the business of the tribunal and of the court.

"10g. The assistant registrars and the clerical staff of the tribunal shall be under the control of the registrar thereof, subject to the direction of the chairman, and the clerical staff of the court shall be under the control of the registrar thereof, subject to the direction of the president.

"10h. Each of the members of the tribunal shall be entitled to receive the actual and necessary expenses incurred by him for transportation when travelling in the performance of the duties of his office, and also an allowance of ten dollars for each day of not less than six hours on which he is necessarily absent from such place of residence as he may from time to time elect with the approval of the chairman.

"10i. Each member of the staff of the tribunal shall be entitled to receive his actual and necessary travelling and living expenses when absent in the performance of his duties from the place at which he is directed to reside.

"10j. All sums payable pursuant to this Act to any member of or of the staff of the court or tribunal, shall be payable by the Department.

"10k. (1) Provision shall be made for the constitution of a branch of the Department to be known as the "Veterans' Bureau" which, subject to the direction of the Minister, shall be administered by a chief pensions advocate who shall be assisted by such other pensions advocates and such additional staff as may be required for the proper performance of the duties of the branch.

(2) Notwithstanding anything in the Civil Service Act or any other statute, the Governor in Council may appoint and fix the salaries of the chief pensions advocate and the pensions advocates.

"10l. (1) The Commission shall appoint a chief commission counsel and a number of commission counsel not exceeding seven.

(2) The chief commission counsel and the commission counsel shall be provided with such clerical assistance as is required for the performance of their

duties, and the chief commission counsel shall, subject to the directions of the Commission, be charged with the duty of ensuring the proper performance of their duties by the commission counsel and the clerical staff.

(3) The salary of the chief commission counsel shall be the same as that authorized to be paid to the chief pensions advocate, and the salaries of the commission counsel shall be the same as those authorized to be paid to the pensions advocates."

6. Section thirteen of the said Act as enacted by section seven of chapter thirty-eight of the statutes of 1928 is repealed.

7. Section nineteen of the said Act is repealed and the following is substituted therefor:—

"19. No person shall make any claim against any person for any services performed in connection with the preparation or prosecution of any application to the Commission, the Pension Tribunal or the Pension Appeal Court unless one or other of such bodies has certified that the amount claimed is a fair and reasonable charge for the services rendered and properly payable by the person against whom the claim is made."

8. Section twenty-one of the said Act as enacted by section eleven of chapter thirty-eight of the statutes of 1928 is repealed and the following is substituted therefor:—

"21. (1) The Commission may, on special application in that behalf, grant a compassionate pension or allowance in any case which it considers to be specially meritorious, but in which the Pension Tribunal, or, if an appeal lies, the Pension Appeal Court, has decided that the applicant is not entitled as of right under this Act.

(2) The amount of any compassionate pension or allowance under this section shall be such sum as the Commission shall fix, not exceeding the amount to which the applicant would have been entitled if his right to payment had been upheld.

(3) Any application for compassionate pension or allowance which has been refused by the Commission, may be renewed before the Pension Appeal Court by its leave and on any such renewed application the Court shall have the same powers as the Commission has under this section."

9. Subsections four, five, six, seven and eight of section twenty-five of the said Act are repealed and the following are substituted therefor:—

"(4) Subject as hereinafter provided a pensioner who has accepted a final payment may be restored to pension."

"(5) If after a final payment has been made the recipient is restored to pension, the difference between the amount of such final payment and the amount the recipient would have received if he had not accepted same shall be deducted from future payments of the restored pension by such successive reductions therefrom, not exceeding fifty per cent thereof, as the Commission may direct."

10. Subsection two of section thirty-two of the said Act, as enacted by section twenty-five of Chapter 38 of the Statutes of 1928, is repealed and the following is substituted therefor:—

"(2) Subject as in this Act otherwise provided, the widow of a member of the forces who had at the time of his death been, for not more than ten years, in receipt of a pension for a disability of or exceeding eighty per cent or would have been in receipt of such pension if he had not been in receipt of pay and allowances from the Department while under treatment shall, irrespective of the cause of the death of her husband, be entitled to a pension as if his death had

resulted from an injury or disease or aggravation thereof attributable to or incurred during military service."

11. Section thirty-two of the said Act as enacted by section twenty-four of chapter thirty-eight of the statutes of 1928 is amended by striking out paragraphs (i) and (ii) and by substituting therefor the following as section 32a:—

"32a. (1) The widow of a member of the forces whose death results from an injury or disease or aggravation thereof which was attributable to or was incurred during his military service shall be entitled to pension if she was married to such member of the forces either before he was granted a pension in respect of such injury or disease or before the first day of January, 1930.

(2) Nothing in this section shall be deemed to authorize the payment of any pension in respect of any period prior to the first day of January, 1930."

12. Section forty-three of the said Act is repealed and the following is substituted therefor:—

"43. Any person who collects or attempts to collect any fees or charges for services rendered with respect to any application for a pension, the amount of which fees or charges has not been approved as hereinbefore provided, shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for a period not exceeding six months, or to a fine not exceeding five hundred dollars, or to both imprisonment and fine."

13. Sections fifty and fifty-one of the said Act as amended by chapter thirty-eight of the statutes of 1928, and fifty-two and fifty-three of the said Act are repealed and the following are substituted therefor:—

RULES OF PROCEDURE

"50. (1) The members of the Commission, the Pension Tribunal and the Pension Appeal Court shall together have power to make rules not inconsistent with this Act with respect to the procedure to be followed in matters coming before them for adjudication.

(2) The president of the Pension Appeal Court shall convoke and preside at any meeting required to be held for the purpose of the adoption of rules under this section, but if he is absent or incapacitated the chairman of the Pension Tribunal may act in his stead.

(3) All such rules shall forthwith upon their adoption be published in the *Canada Gazette*.

PROCEDURE

"51. (1) Every application for any payment under this Act shall be made in the first instance to the Commission, whose duty it shall be

(a) to collect such relevant information, if any, as may be available in the records of any department of the Government of Canada,

(b) to make, through its medical and other officers, such inquiry as appears advisable into the facts upon which the claim is based,

(c) to grant the application, if it appears to be proper to grant it on the material available, and if not, to refer the claim to the chief pensions advocate and the chief commission counsel.

(2) Any application herebefore disposed of by the Federal Appeal Board may, notwithstanding such disposition, be renewed at any time under this Act.

"52. Upon the reference of any application to the chief pensions advocate as aforesaid, it shall be his duty

(a) to notify the claimant and any interested soldiers' service organization of the reference of the claim to him,

- (b) to cause the case to be prepared for presentation on behalf of the claimant to the Pension Tribunal;
- (c) when the case is so prepared, to cause application to be made to the registrar of the Pension Tribunal, at the request of the claimant and on notice to the chief commission counsel, to have a time and place fixed for the hearing of the application, and
- (d) to arrange for the presentation of the claim before the tribunal at such time and place either by himself or a pensions advocate, unless the claimant elects to have the same presented by some other person at his own expense.

"53. Upon the reference of any application to the chief commission counsel as aforesaid, it shall be his duty to cause such inquiry to be made as appears advisable and to appear himself or arrange for a commission counsel to appear on the hearing of the application by the Pension Tribunal in order to assist it in disposing of the claim by conceding such points as it appears to be proper to concede and by directing attention to such matters and questions as appear to require consideration for the purpose of determining whether or not the claim should be allowed.

"54. (1) The pensions advocates and commission counsel shall have free access to all the records of the Department and to all material considered by the Commission in disposing of any application.

(2) No such records or material relating to any member of the forces, pensioner or applicant for pension shall be inspected by, nor shall their contents be communicated by any one in the public service to any person other than

- (a) the member of the forces, pensioner or applicant for pension concerned,
- (b) such public servants as may require to inspect them or have their contents communicated to them in order that they may properly discharge their duties,
- (c) such medical advisers and other persons, including representatives of soldiers' service organizations, as may be consulted by or on behalf of a commission counsel or by or on behalf of the person whom the records or material directly concern, and
- (d) such person as may be employed by such last mentioned person to present a claim on his behalf before the Pension Tribunal or the Pension Appeal Court.

"55. The Pension Tribunal shall be charged with the duty of hearing and disposing of all applications under this Act which may be brought before it as hereinbefore provided.

"56. For the purpose of hearing applications the Pension Tribunal shall sit at convenient places throughout Canada; the selection of such places, the determination of the days for the sittings at each thereof and the assignment of members of the tribunal to attend thereon shall be in the discretion of the chairman subject to such rules of procedure as may be adopted as hereinbefore provided.

"57. (1) Two members of the Pension Tribunal sitting together shall form a quorum for the purpose of hearing and disposing of any application as to the disposition of which they are in agreement; any application as to the disposition of which there has been an equal division of opinion shall be reheard before an uneven number of members exceeding by at least one the number of members who took part in the first hearing.

(2) With the consent of all parties entitled to be heard upon any application, any application may be heard and disposed of by one member of the

tribunal, who shall constitute a quorum of the tribunal for the purpose of such application.

"58. The Pension Tribunal shall have all the powers of a Commissioner under Part I of the Inquiries Act.

"59. (1) The Pension Tribunal shall have power to direct the medical examination of any claimant whose observation is before it, by a specialist, physician or surgeon selected by him, and the account of such physician or surgeon for any such examination, and for his attendance before the tribunal to give evidence as to his findings thereon, shall be paid by the Department upon the certificate of a registrar of the tribunal, given under its direction, that the examination was authorized by the tribunal to be made and that the sums charged therefor and for attending to give evidence are proper and reasonable in amount.

(2) For the purpose of any such examination the Tribunal shall have power to direct the admission of a claimant into a hospital administered by the Department.

"60. (1) No application shall be disposed of by the tribunal until after full opportunity to adduce evidence and to be heard at a public hearing has been afforded to all persons entitled to be heard, and so far as possible, the decision of the tribunal shall be given at such public hearing in the presence of all such persons.

(2) At the request of the applicant, the tribunal may direct any application to be heard and its decision may be given in private if it considers that a public hearing might be disadvantageous to the applicant and that a hearing in private would not be contrary to the public interest.

"61. At the time its decision is given, the Pension Tribunal shall indicate fully the grounds upon which its conclusions are based and, if the decision is not unanimous, the members of the tribunal who dissent and the grounds of their dissent shall be specified.

"62. Notice of every decision of the tribunal shall be forthwith given by the registrar to the Department.

"63. (1) From the decision of the Pension Tribunal on any application falling within one of the classes hereinafter defined, the claimant or the commission counsel may appeal to the Pension Appeal Court within the time hereafter limited by filing notice of intention to appeal with the registrar of the Pension Appeal Court, who shall notify the Department, the chief pension advocate and the chief commission counsel of the receipt of such notice and of the time at which the appeal will come on to be heard.

(2) Notice of an appeal may be filed by a commission counsel at any time within fifteen days from the date of the decision if the same was given at the conclusion of the hearing, or if not so given, within fifteen days after the appellant has received notice thereof, and by the applicant at any time.

"64. An appeal shall lie to the Pension Appeal Court from any decision of the Pension Tribunal turning upon:—

- (a) whether or not any injury or disease or aggravation thereof which resulted in the disability or death upon which the application is based, was attributable to or was incurred during military service;
- (b) whether or not any injury or disease or aggravation thereof which was attributable to or was incurred during military service resulted in the disability or death upon which the application is based;
- (c) whether or not any pre-enlistment disability was wilfully concealed, was obvious, was of a nature to cause rejection from service, or was congenital;

- (d) the degree of any pre-enlistment disability;
- (e) the right to receive pension in respect of any period prior to the date of the application therefor;
- (f) the jurisdiction of the Commission or the Pension Tribunal to deal with an application either generally or in any particular way;
- (g) the interpretation of any provision of this Act.

"65. (1) Every decision of the Pension Tribunal in favour of the applicant shall be acted upon by the Department after the expiry of sixteen days from the date upon which it receives notice of the decision unless and until it has been notified that an appeal has been taken to the Pension Appeal Court.

(2) Notwithstanding that it has been so notified, the Department shall act upon such decision after the expiry of sixty days from the date thereof unless and until it is notified by the registrar of the Pension Appeal Court that such Court has otherwise directed or that the appeal has been presented to the Court, which still has its decision thereon under consideration.

"66. The Pension Appeal Court shall hear and dispose of all appeals from the Pension Tribunal which may be properly brought before it.

"67. The sittings of the Pension Appeal Court shall be public except in cases in which the hearing by the Pension Tribunal has been held in private and the Pension Appeal Court considers it desirable to adopt a like course in respect of the hearing of the appeal.

"68. Unless the parties agree that an appeal shall be heard before only two members of the Pension Appeal Court, all the members thereof shall sit for the hearing of any appeal; if an appeal is heard before only two members of the court and they cannot agree as to its disposition, it shall stand dismissed.

"69. (1) Every appeal shall be presented before the Pension Appeal Court on behalf of the claimant and by a commission counsel in the same way as it is required to be presented before the Pension Tribunal, but on the evidence and record upon which the decision of the tribunal was given, without addition.

(2) The Pension Appeal Court, if it considers such evidence or record to be incomplete or unsatisfactory may remit the case to the Pension Tribunal for re-hearing.

"70. (1) Subject as hereinafter provided every decision of the Pension Appeal Court in favour of an applicant or dismissing an application shall be final.

(2) Any decision in favour of a claimant shall be forthwith notified by the registrar to and shall be forthwith acted upon by the Department.

(3) Any decision of the Pension Appeal Court against an applicant and any such decision by the Pension Tribunal which is not appealed shall be final and no application based upon any error in such decision by reason of evidence not having been presented or otherwise shall be entertained by the Commission or the Pension Tribunal except with the leave of the Pension Appeal Court, which shall have jurisdiction to grant such leave in any case in which it appears proper to grant it.

"71. Notwithstanding anything in this Act, on any application for pension the applicant shall be entitled to the benefit of the doubt which shall mean that it shall not be necessary for him to adduce conclusive proof of his right to the pension applied for, but the body adjudicating on the claim shall be entitled to draw and shall draw from all the circumstances of the case, the evidence adduced and medical opinions, all reasonable inferences in favour of the applicant."

"72. All appeals heretofore taken to the Federal Appeal Board and remaining undisposed of at the date of the coming into force of this Act shall be deemed to have been referred thereunder for hearing by the Pension Tribunal and shall be dealt with accordingly.

15. Section fifty-four of the said Act as enacted by section thirty-two of chapter thirty-eight of the Statutes of 1928 is renumbered as section seventy-two.

"16. This Act shall come into force on the first day of October, 1930, provided that any appointment required or authorized to be made thereunder may be made at any time after the first day of September, 1930, and any salary or other payment to which any person so appointed may be entitled shall be payable from the date of his appointment."

(For Minutes of Evidence, etc., accompanying said Report, see Appendix to the Journals, No. 1)

APPENDICES

No. 15—Statement of Board of Pension Commissioners, etc.; No. 16—Summaries of Suggestions and Resolutions received from Various sources by Committee; No. 17—Statistical Tables of Returned Soldiers' Insurance Division.

APPENDIX No. 15

MARCH 27, 1930.

General Sir ARTHUR W. CURRIE, G.V.M.G., K.C.B.,
McGill University,
Montreal.

DEAR SIR,—I am directed by the Commissioners to ask you if you will let them have the regimental number and full name of the man in the case which you referred to in your evidence before the Parliamentary Committee this morning. It would be appreciated if you would be so good as to telegraph this information to the Board. Please send your telegram "collect."

Yours truly,

.....
Secretary.

Copy

CANADIAN NATIONAL TELEGRAM

MONTREAL, QUE., 28, 1133A.

Chairman of Board Pension Commissioners,
Ottawa, Ont.

Number five nought nought five six five.

CURRIE.

THE BOARD OF PENSION COMMISSIONERS FOR CANADA

MAY 1st, 1930.

No. 500565.

The marginally noted man *enlisted on September 7, 1915*, and proceeded to England on November 25, 1915.

On April 21, 1916 he was admitted to hospital for perineal abscess—pain and swelling of the perineum for four days, abscess was opened and drained—catherer could not be passed into the urethra—Stricture in penile urethra four inches down. On discharge from treatment no particular trouble in passing urine—no pus. Urinalysis showed trace of albumen.

Again admitted to hospital on May 15, 1916—abscess returned—indurated area external to anus—hot dressing applied. Recovered on 22nd of May, 1916.

Embarked for France on June 25, 1916. Returned to England July 11, 1916 with stricture of the urethra and admitted to hospital with urethral abscess—abscess burst on July 17, 1916, and he had a dilatation of the urethra under ether. Was hospitalized until October 20, 1916, and discharged as fit.

Carried on duty in England until February 1917 and returned to France. In September 1918 returned to England as an instructor.

Discharged from the service in January 1919, recovery good—no disability—history of previous hospitalization for stricture with dilation.

In August 1924 applied for pension in respect of sciatica and awarded pension at the rate of fifteen per cent for this condition.

In August 1925 the diagnosis was changed to arthritis and the case was reviewed and pension discontinued.

The man forwarded a letter from the Mayo Clinic in 1926 to show that he had been treated for sciatica in May 1926.

The Board have obtained the full report from the Mayo Clinic and it indicates that in addition to the sciatica his condition was urethral stricture, chronic prostatitis and sciatica, which are all related and not pensionable.

APPENDIX No. 16

SUGGESTIONS AND RESOLUTIONS RECEIVED BY THE COMMITTEE FROM VARIOUS SOURCES, AND CONSIDERED IN THE COURSE OF THE COMMITTEE'S INQUIRY—SUMMARIES OF SAME FOLLOW

1. The National Council of Women of Canada, Mrs. J. A. Wilson, National President: Resolutions asking that Sections 13 and 32 of the Pension Act be amended.

2. Widows, Wives and Mothers of Great Britain's Heroes Association, Mrs. Janet C. Kemp, President: Suggestions to amend Section 32. Appreciation expressed with reference to present administrative treatment of children under Sections 22 and 33.

3. Alberta Imperial Order Daughters of the Empire, Mrs. D. M. Marshall, President: Resolution urging legislation to protect War-Zone Soldiers and Nurses.

4. Toronto Imperial Order Daughters of the Empire, Miss M. N. Brotherhood: Resolution urging legislation on a broader and more generous basis for those who suffer want because of war disabilities.

5. Mr. Neill, M.P.: Letter on behalf of Canadian Militia urging legislation so as to have war service count as an extension to the period in the Militia and thereby entitle them to a pension for the longer service involved.

6. Mr. G. J. Desbarats, Deputy Minister of National Defence: Letter on behalf of Militia men who served in the North West Rebellion and similar campaigns, recommending certain amendments to the Pension Act so as to enable claims for disability due to service prior to the Great War being dealt with.

7. London Branch of Canadian Legion, Mr. J. Stirling, Secretary: Resolution urging additional pension allowances for certain widows and children.

8. Mr. Wm. Reid: Suggestions to amend the Pension Act in behalf of applicants for pension who might be given the benefit of the doubt; also in behalf of a certain class of widows; also to provide for an umpire to judge certain cases where Board of Pension Commissioners fail to agree.

9. Legislative Assembly of Manitoba, Hon. D. L. McLeod, Provincial Secretary: Resolution setting forth conditions of soldier settlers, and suggesting a remedy therefor.

10. Mr. David Mills, London, Ont.: Letter suggesting amendments to Pension Act with respect to supplementary pension denied to those Canadian citizens who joined the Imperial Forces, other than Warrant Officers and those of a higher rank in whose favour provision exists under the present Statute.

11. Mr. C. S. Parker, Toronto: Letter stating he is a Canadian who served in the Imperial Forces in the great War—Was diagnosed shortly after demobilization as having tuberculosis and is now incapacitated—Cannot obtain pension from the Imperial Government. This case and others which are similar were taken up in submission No. 24 of the Canadian Legion on April 4th.

12. Messrs. Kenny & Archibald, Halifax: Suggest relaxation of procedure for lawful wife to obtain relief from the State without having to go to Police Court charging her husband with non-support. Also state that if the Department has investigators, it could easily be made part of their functions to hear and determine the wife's right to contribution.

13. Municipal Council of the City of Galt, Ont.: Resolution supporting the amendments to the Pension Act as submitted by the Dominion Executive of the Canadian Legion with respect to present conditions and wants of veterans and their dependents.

14. Canadian Workers Federation of Returned Soldiers and Sailors, Montreal, C. F. Williams, Secretary: Letter supporting the suggestion of obtaining Counsel to assist the Committee and veterans who are not members of any ex-service organization.

15. Calgary Branch of the Canadian Legion, Mr. Joseph Fairley, Secretary-Manager: Suggestion that a representative of the Board of Pension Commissioners be present at all hearings of the Federal Appeal Board believing that in such procedure many of the difficulties which exist with regard to the examinations and findings of the latter would possibly be obviated.

16. Mrs. Herbert S. White, Kingsmill, Ontario: Letter urging that pension allowance be given to veterans at the age of sixty-five and not at seventy.

17. P. Batchelor, Vancouver, B.C.: Letter suggesting that the present pension scale be raised particularly for married veterans.

18. Cornwall Branch of the Canadian Legion: Letter recommending consideration for ex-service men who were discharged A1 and whose disabilities have gradually increased since their discharge, but who do not come under the present Act, owing to the lack of evidence to support the claim. Letter also urges that more sympathetic consideration be shown applicants, especially by medical experts; also that all ex-soldiers be boarded or re-boarded by a travelling board in conjunction with local physicians.

19. Royal North West Mounted Police, E. Reichert, Secretary-Treasurer, Edmonton, Alberta: Letter recommending that men wounded in Rebellion of 1885 be on the same status for pension as the Great War Veterans.

20. Major A. M. C. Lewis, Toronto: Letter asking, that Canteen Funds Act be not amended until the various Boards of Trustees have reported upon the proposed amendment or amendments.

21. Windsor Branch, Ont., of the Canadian Legion: Resolution recommending a home for ex-service men in Ontario where occupation would be light work, etc.

22. Fort Garry Unit of the Army and Navy Veterans in Canada, Winnipeg: Resolution in behalf of approximately 120 men all ranks who came to Canada prior to 1914 and enlisted in the C.E.F.,—That suitable provision be made for such men.

23. Cobourg Branch of the Canadian Legion, Ont.: Resolution suggesting amendments to Pension Act. Submissions covered by representations made to Committee by Officers of the Executive Council.

24. Waterford Branch of Canadian Legion, Ontario: Resolution suggesting several amendments to Pension Act. Submissions covered by representations made to Committee by Officers of the Executive Council.

25. Mr. D. A. Coleman, Kentville, N.S.: Letter with respect to Housing scheme submitting that the principle adopted in settling ex-service men on farms be also instituted in procuring homes for veterans, viz.: Loan for twenty years at 5 per cent for 70 per cent of purchase price. No Housing scheme contemplated by Committee.

26. Mr. R. Foxcup, London, Ontario: Resolution of London Labour Party, protesting against the abolition of the Federal Appeal Board.

27. Veterans of the Federal Riding of North York: Suggestions with respect to Bill 19, An Act Respecting War Veterans' Allowances,—to amend certain sections: and also to amend section 25 of the Pension Act: other particulars enumerated. Submissions have been fully represented by Legion and considered by the Committee.

28. Mr. C. F. Rutherford, V.C., Colborne, Ontario: Suggestion that a small annuity for Victoria Cross holders be included in Pension provisions of the Act. This submission has been represented by the Legion and considered by the Committee. No recommendation.

29. Mr. A. R. MacPherson, Kentville, N.S.: Letter urging that applicants for pension due to Tuberculosis be granted free sanitarium treatment pending decision of Pension Board. If latter's decision be unfavourable and if applicant's financial circumstances be such that he cannot afford to pay his way, the Department of National Health to continue treatment; Also, points out danger of infection to family and friends when delay as to treatment occurs. Mr. MacPherson further states there is difficulty to obtain suitable houses to landlords adversion to T. B. tenants.

30. Mr. Arthur E. Parry, London, Ontario: Letter stating that he does not benefit of supplementary pension provided under the Pension Act because he is not of the rank of Warrant Officer nor of a higher rank. States he went overseas at the outbreak of the War and rejoined the Imperial Forces. He is 100 per cent disabilities; has wife and child. He receives \$38.88 per month from the Imperial Government. States his earning capacity is *nil*; that he is a Canadian citizen of 24 years standing.

31. Mr. Frank S. McDonagh, President, Canadian Pensioners Association, Toronto: Letter stating that Returned Soldiers' Organizations do not wish an economical allowance to be given to "burned-out" men, if there is a possibility of such men being fitted into a useful occupation. Submits a Rehabilitation Plan for unemployed veteran problem cases, which he states is approved by his Association, and also by the Army and Navy, the Amputations, the Sir Arthur Pearson Club, and by the Toronto District Command of the Canadian Legion.

32. Mr. Alfred Pugh, London, Ontario: Letter stating that in June, 1929, he was awarded 100 per cent pension. In July, 1929, he was notified that his pension would be reduced 50 per cent from August 1, 1929, on the report of Dr. Leonard Murray, heart specialist at Toronto. Further states that Pension Commissioners ignored Dr. Gordon's report to the effect that Mr. Pugh was suffering much disability on account of cancer condition. Further states that Dr. Gordon strongly recommended that his pension of 100 per cent be restored.

33. Mr. John R. C. Stanley, London, Ontario: Letter stating that he served in South African War and also in C.E.F. Overseas—Is receiving an Imperial Pension of one shilling and three pence a day for V.D.H.—Is now suffering from chronic hypocarditis with other disabilities—Pension Board admits 100 per cent disability for heart condition; will only concede one-tenth total aggravation to pre-war disability—British Ministry contends that present condition has no connection with his South African service. Proposed new machinery may take care of this case.

34. Nova Scotia Members of the Royal Canadian Naval Volunteer Reserve (R.C.N.V.R.): Letter representing that these men were engaged in fishery protection work, cable ship work and work of a similar character previous to becoming members of the R.C.N.V.R.—Consistently refused to be recognized by Pension Board as men engaged in military service. Department of Naval Defence states that men were not paid by the Crown and therefore cannot be considered as having been engaged in military service—One of these men produced his service certificate which he calls his discharge. Communication referred to Canadian Legion. Reply: No submission by Legion on men of R.C.N.V.R.

(Submitted by Mr. Ilsley, M.P.)

RIVER GLADE, N.B., April 29, 1930.

35. I am presenting data on three (3) ex-soldiers who were refused pension, not so much to make a point of what I feel is a wrong decision but rather to bring forth a weakness in our present plan of handling pensions.

SPECIAL COMMITTEE

Case No. 1, No. 3180612—Jospeh Adam Lapointe

This data is quite clear and distinct throughout and can be briefly given—

1. Served eight (8) months in France. Discharged May, 1919.
2. April 20, 1920, was treated for persistent cough and scant expectoration by a Dr. Nathanson. Incidentally no further data can be secured from this medical man because he left for the States. So any Board could, with justice refuse his claim.

3. However, July 1920 was refused life insurance on a \$1,000 policy because he was below par, was anaemic and stooped shouldered.

4. In 1921 had bronchitis, cough and expectoration.

5. Pleurisy in 1922.

6. Moderately advanced Tuberculosis October 1925-1926.

7. July 1927 had Chronic Tuberculosis.

We, of course, do not know why this man was refused pension by the Pension Board and two Appeal Boards.

In our opinion, based on documentary evidence and a knowledge of tuberculosis, this man evidently has had a long chronic course of Tuberculosis and to our minds there is sufficient evidence to, at least date it back to 1920. Our opinion has been confirmed by a group of T.B. specialists who would have allowed the case, each man stating that in his opinion it was one due to service.

Just how could such an error be made? First, both boards were quite within their rights in refusing the evidence of Dr. Nathanson.

Second, Life Insurance Companies do not refuse applicants on \$1,000 policies without good reason and anemia and stoop shoulders are not a sufficient reason to refuse any applicant. To-day they are not even examined for \$1,000 insurance. So we cannot overlook this important evidence.

From 1921 a diagnosis of bronchitis with a subsequent pleurisy was evidently a mistaken one. A chronic cough with pleurisy and a later discovered tuberculosis means tuberculosis at the first examination. Even if we refuse to accept Dr. Nathanson's certificate and the life insurance still we have a rather extensive disease in 1921 because cough and sputum does not usually mean minimal tuberculosis. Considering this evidence it must have taken him sometime to develop his disease because his subsequent history was one of years in development and he still has a low grade, slowly progressive lesion.

However, according to the present Act, tuberculosis must have had its origin during service or one year after. The evidence is sufficient to, at least have given this man the benefit of the doubt. Now this is the crucial point—"The benefit of the doubt."

Let me present the Board's position. They are handling thousands of cases a year and Hansard of recent date gives us a report of Dr. Kee or Ellis in which the members of the Commission questioned the possibility of covering the ground. It is a miracle to me how the Board make as few mistakes as they do and they deserve the highest credit for what they are doing.

The men's position:—It is quite clear that a great many men are seeking pension, many deserving it and many not. Every man refused pension is usually a discontented one. Thus each of the numbers of unsettled pensions grow. If then the Pension Board's schedule is so full, why not decentralize the work and allow the district office a wider hand in determining the eligibility of new applicants.

For example let us take Nova Scotia. New pensioners apply at Camp Hill and a Board sits on the case and determines that he is a pensionable case, they even go as far as to determine the amount. If the award and evidence is too absurd for the Central Board to accept, then the case can be heard by the Appeal Board. If special cases occur let them be referred to a man dealing

with that type of disease or injury and let the specialist use his own judgment combining documentary evidence and experience and state definitely that this man is pensionable.

The feeling is probably existant that all tuberculosis specialists, particularly, would grant every applicant pension but this is not true because he would be more careful of his decision if he knew that his opinion would be final.

This being the personal contact that the men complain they haven't at the present time.

Frankly, every T.B. specialist would have passed the case of Lapointe because we could see the sequence of events, such a sequence that we find in our civilian patients.

The cost of such an administration would not be very much greater. You already have local Boards and it means only sitting on new cases and giving a final decision. The outside specialists are utilized now when necessary.

I feel that, at least each man's case would receive more personal attention. The local board would have fewer to handle and could, in all probability help him to dig up the necessary evidence providing a sympathetic attitude was present in the groups.

The second patient refused pension presents another problem directly referable to tuberculosis.

No. 794018, Robert H. Wiseman

This case lacks medical evidence for the simple reason that the man did not visit a medical man. Our own records show us, over a period of many years and practically covering one thousand cases in ten years, that an average period from the probable initial symptoms until the sufferer seeks medical advice is $3\frac{3}{4}$ years. That means that many did not seek advice for a great many years, some as high as ten to twelve years. Why did they not do so? Most of them believed that they had chronic bronchitis and would take home remedies for years until some accident occurred that made them change their minds (such as a haemorrhage, continued loss of weight, strength, etc.) in other words, their disease had advanced into the far advanced stage.

The conception of the ordinary layman and, I am sorry to say many medical men is that tuberculosis begins suddenly and is more or less of short duration. This because they see only advanced cases. This, however, is far from the true state of things. The majority of patients have chronic disease of many years standing. A disease with alternating health and active trouble. Any good text book on tuberculosis will convince one of this statement.

If these patients average $3\frac{3}{4}$ years before seeing a doctor, with tuberculosis of what value is a one-year clause inasfar as the disease is concerned? Several countries realize this point and it only needs a perusal of the United States Pension Act to demonstrate that other countries consider this chronicity and men are pensionable who have developed the disease afterward. I think the United States law allows five years.

I may say that I presented this viewpoint years ago at one of the conferences at Ottawa and it was not well received on the basis that it would allow many undeserving men to be pensioned. There is some truth in this statement but on the other hand surely the men handling tuberculosis cases can distinguish between the more or less acute type and the long drawn out chronic cases. If they cannot they are incapable of caring for this group.

The Act should read that ex-soldiers who developed tuberculosis on service or in which there could be reasonable doubt at any subsequent date that service was a factor in the onset of the disease, pension should be granted. The one year clause in tuberculosis is really silly. It sets an arbitrary limit on a disease with a hundred varying manifestations.

But to return to this particular case, although no medical evidence is available until 1925, yet there is a mass of evidence that he could not carry on with physical labour for years. I have known this man personally since his admission to the institution and I am convinced that he would work if he could consistently carry on. How do I know this? I have had him working for me on light jobs and he carried on without difficulty except that at intervals of three or four months he would be laid up either with a small haemorrhage, increase of his cough and sputum or slight temperature that would ease off after a week or two rest. He has been doing this for years as the evidence attests and to-day he has an advanced disease of the so-called quiescent type that is reactivated every so often. This evidence is not acceptable and why? A perfect picture of low grade fibro-caseous disease with fairly good resistance, dating back to 1920, and he cannot be given consideration because the medical evidence is not there.

Again this evidence presented to a group of T.B. specialists brought back the response that he was entitled to pension.

This case presents the dangers of the one year clause. In other words, every case should stand on its own legs.

Case No. 3. No. 1102624, Charles A. McGahey

Discharged 1919.

Treated by Dr. Kennedy for chest condition, 1919.

Admitted to Jordan Memorial Sanatorium for T.P.A., September, 1921.

Discharged January, 1922, and refused pension.

Readmitted December 31, 1928.

This represents another type of case.

A man who was treated in 1919 for tuberculosis in whom it is found by examination of the doctor's books, that he was actually treated for this disease, enters the institution in September, 1921, with advanced tuberculosis. In the institution for four months on T.P.A.; discharged; works off and on for eight years and is again readmitted with an extensive pulmonary tuberculosis.

It is generally admitted by everyone in the town of Sussex, who knows this man, that he had tuberculosis in all probability in 1919 or 1920—a doctor's certificate to prove it but I may state that there has been some question of another disease, syphilis. But, at least the D.S.C.R. felt he was entitled to T.P.A. in 1921. Evidence shows that he had advanced disease then and very far advanced disease in 1928. Think of it, advanced disease in 1921 and far advanced in 1928. How long did he have tuberculosis before 1921 in order to have reached the stage found in 1921.

I only bring forth this case to demonstrate how a local investigation by men in his own district would have disclosed the true facts. The Pension Board opinion could only be based on the fact that he developed tuberculosis around 1921 and, therefore, his disease was a post-war condition. Can you possibly blame them for this decision? That is what their documentary evidence shows them and yet the possibilities are that the man had tuberculosis before enlistment, was accepted as A1, sent overseas and as a result of service had another breakdown. I cannot see that the man was responsible for being accepted because he is an ignorant, rather useless specimen but nevertheless is entitled to just the same consideration as any man. If he had tuberculosis he should not have been accepted and therefore the responsibility rests with the Government.

This presents the viewpoint based on several years' experience with tuberculosis with ex-soldiers who were refused pension, who, in my opinion and that of many T.B. men, were entitled to consideration. The first one and the last illustrate the viewpoint of a Board who are far away and who cannot review the case from the unwritten evidence. The second demonstrates the absurdity of the one year clause.

APPENDIX No. 17

STATISTICAL TABLES

APPLICATIONS RECEIVED FOR WHICH NO INSURANCE WAS ISSUED

TABLE 1.—Applications Rejected—separately as to Pensioners and Non-pensioners

	1920-1923	1928-Jan. 1930	Totals
Pensioners.....	315	627	942
Non-pensioners.....	132	73	204
Total.....	447	699	1,146

TABLE 2.—Applications Rejected—separately as With Dependents and Without Dependents

	1920-1923	1928-Jan. 1930	Totals
With Dependents.....	83	567	650
Without Dependents.....	364	132	496
Total.....	447	699	1,146

TABLE 3.—Applications Rejected showing Cause of Rejection

Cause of Rejection	1920-1923	1928-Jan. 1930	Totals
Heart Diseases.....	27	112	139
Kidney Diseases.....	10	48	58
Chest Diseases.....	281	337	618
Sclerosis.....	4	28	32
Cancer.....	5	9	14
Arthritis.....	3	22	25
Hemiplegia.....	2	12	14
Brain and Nervous Diseases.....	27	27	54
Duodenal and Gastric Ulcers.....	0	18	18
Pernicious Anaemia.....	0	4	4
Muscular Atrophy.....	0	2	2
Venereal Diseases.....	72	41	113
Miscellaneous.....	16	39	55
Total.....	447	699	1,146

APPLICATIONS RECEIVED FOR WHICH NO POLICY WAS ISSUED

TABLE 4.—No Policy issued with Reasons for Non-acceptance

Reasons for Non-acceptance	1920-1923	1928-Jan. 1930	Totals
Death occurring before acceptance of application.....	75	8	83
Application withdrawn at request of applicant.....	259	73	332
Applicants not eligible.....	79	31	110
Applications received after September 1923.....	152	0	152
Total.....	565	112	677

TABLE 5.—Table showing Policies Issued by Fiscal
of Issue

Policies issued by Fiscal Years			Amount	Average Policy	
			\$	\$	
Sept.	1920-Mar.	1921.....	2,371	7,074,000 00	2,900
April	1921-Mar.	1922.....	7,456	17,874,500 00	2,400
April	1922-Mar.	1923.....	9,725	22,083,500 00	2,300
April	1923-Sept.	1923.....	14,025	34,995,000 00	2,400
June	1928-Mar.	1929.....	4,035	9,869,000 00	2,400
April	1929-Jan. 31,	1930.....	3,173	7,420,500 00	2,300
Total.....			40,785	99,316,500 00	.....

TABLE 6.—Table showing Policies in Force at end of each Fiscal Year and Deaths occurring in each Fiscal
Year

Policies in Force as at end of each Fiscal Year		Amount	Average Policy
		\$	\$
March 1921.....	2,234	6,673,500 00	2,900
March 1922.....	8,800	22,234,000 00	2,500
March 1923.....	17,153	40,906,230 00	2,400
March 1924.....	28,483	63,533,645 00	2,200
March 1925.....	27,617	61,328,306 00	2,200
March 1926.....	26,898	59,447,419 66	2,200
March 1927.....	25,944	57,099,878 27	2,200
March 1928.....	25,010	54,892,529 19	2,200
March 1929.....	27,473	61,008,931 01	2,200
Jan. 1930.....	32,741	72,508,725 23	

Deaths occurring in each Fiscal Year		Amount	Average Claim
		\$	\$
Sept. 1920-Mar. 1921.....	31	127,000 00	4,100
April 1921-Mar. 1922.....	207	715,500 00	3,400
April 1922-Mar. 1923.....	282	799,000 00	2,800
April 1923-Mar. 1924.....	306	798,500 00	2,600
April 1924-Mar. 1925.....	299	761,300 00	2,500
April 1925-Mar. 1926.....	232	558,600 00	2,400
April 1926-Mar. 1927.....	284	652,550 00	2,300
April 1927-Mar. 1928.....	228	485,700 00	2,100
April 1928-Mar. 1929.....	244	525,095 46	2,100
April 1929-Jan. 1930.....	219	501,695 96	2,200
Total.....	2,332	5,924,941 42	.....

TABLE 7.—Table showing Terminated Policies

Surrendered for cash to March 31, 1929.....	3,304	\$ 7,691,904 00
Surrendered for cash to January 31, 1930.....	784	1,789,460 00
Total surrendered for cash.....	4,088	\$ 9,481,364 00
Reduced paid-up insurance to March 31, 1929.....	98	\$ 68,825 50
Reduced paid-up insurance to January 31, 1930.....	60	41,148 00
Reduced paid-up insurance in force.....	158	\$ 109,973 50
On extended term insurance to March 31, 1929.....	1,848	\$ 4,038,800 00
On extended term insurance to January 31, 1930.....	453	343,500 00
Total.....	2,306	\$ 4,382,300 00
Less extended Term Insurance Terminated.....	814	1,867,500 00
Total policies on extended term insurance.....	1,492	\$ 2,514,800 00
Disability claims admitted to March 31, 1929.....	29	\$ 62,655 51
Disability claims admitted to January 31, 1930.....	11	18,697 58
Total.....	40	\$ 81,353 09
Terminated and reduced, January 31, 1930.....	5	18,778 43
Total disability claims in force.....	35	\$ 62,574 66

TABLE 8.—Table showing Death Claims and Method of Settlement

Policy value of death claims to March 31, 1929.....	1,967	\$ 5,451,245 46
Policy value of death claims to January 31, 1930.....	198	501,695 96
Total policy value.....	2,165	\$ 5,952,941 42
Settlement by cash payment or annuity to Mar. 31, 1929.....	1,464	\$ 5,068,828 31
Settlement by cash payment or annuity to Jan. 31, 1930.....	173	420,641 42
Total settled.....	1,637	\$ 5,489,469 73
Insurance and Premiums paid under Sec. 10-R.S.I. to March 31, 1929.....	451	\$ 263,417 15
Insurance and Premiums paid under Sec. 10-R.S.I. to January 31, 1930.....	34	38,751 90
Total.....	485	\$ 302,169 05
Claims pending settlement as at January 31, 1930.....	43	\$ 118,250 00
Policies cancelled by Sec. 10 to January 31, 1930.....		\$ 1,146,400 00
Premiums returned and insurance paid under Sec. 10.....		302,169 05
Net Insurance Cancelled.....		\$ 844,230 95

TABLE 9.—Table showing Lapses and Re-Instatements

Lapses to March 31, 1929.....	28,235	\$64,039,300 00
Lapses to January 31, 1930.....	2,404	5,660,000 00
Total.....	30,639	\$69,699,300 00
Re-instatements to March 31, 1929.....	20,818	\$47,368,500 00
Re-instatements to January 31, 1930.....	2,135	5,007,500 00
Total.....	22,953	\$52,376,000 00
Net Lapses.....	7,686	\$17,323,300 00

STATEMENT OF INCOME AND EXPENDITURE

	Dr.	Cr.
Balance of Fund March 31, 1929.....	\$6,866,911 13	
Income to January 31, 1930.....	1,387,668 83	
Expenditure to January 31, 1930.....		\$ 686,243 23
Balance January 1930.....		7,568,336 73
Total.....	\$8,254,579 96	\$ 8,254,579 96
Policies in force January 31, 1930.....	32,741	\$72,508,725 23

VALUATION BALANCE SHEET MARCH 31, 1929

Accumulated Fund.....	\$6,866,911 13	Reserve as per valuation summary	\$6,668,146 00
Deficit on valuation basis.....	904,142 40	Reserve for current annuities.....	958,700 00
		Outstanding death claims:—	
		(1) Known settle-	
		ments.....	\$ 7,627 39
		(2) Not known settle-	
		ments.....	10,500 00
			\$ 18,127 39
		Advanced premiums.....	123,597 28
		Net overpayment of premiums...	2,482 86
	<u>\$7,771,053 53</u>		<u>\$7,771,053 53</u>

(1) Nominal amount of death claims incurred during the year.....	\$ 526,095 46
(2) Reduced amount of death claims settled during the year.....	430,352 13
(3) Outstanding death claims 31/3/29 (not including those incurred in previous year).....	42,500 00
(4) Total (2) and (3).....	472,852 13
(5) Expected death losses for the year.....	637,363 00
(6) Expected death and disability losses for the year.....	660,558 00
(7) Disability losses occurring during the year.....	29,770 95

Deficit on valuation basis March 31, 1922.....	\$ 782,142 77	Without any allowance for
“ “ “ 31, 1923.....	1,050,079 10	mortality in excess of that
“ “ “ 31, 1924.....	1,244,451 35	provided for in the table
“ “ “ 31, 1925.....	1,309,074 01	used in valuation.
“ “ “ 31, 1926.....	1,227,742 36	
“ “ “ 31, 1927.....	1,179,787 92	
“ “ “ 31, 1928.....	1,074,027 25	
“ “ “ 31, 1929.....	904,142 40	

NOTE.—When disability benefits become payable no further premiums are paid. The disability benefits as shown in this Table are on past experience only. With advancing age and particularly incapacity arising from sickness, it is expected that in the near future the claims for disability benefits will be considerably increased. It is to be noted that disability claims are payable upon incapacity at any age whereas in practically all life insurance companies no claim is entertained after the age of sixty years. All insured pensioners—provided they are receiving a pension of less than one hundred per cent—(who are totally disabled) are entitled to disability benefit in addition to pension.

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*Canada, Finance and Revenue
Problems, Special Cttee on, 1930*

SESSION 1930

HOUSE OF COMMONS

GOVT PUBNS

SPECIAL COMMITTEE



ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 15—THURSDAY AND FRIDAY, MAY 15 AND 16, 1930

EVIDENCE—Mr. R A. Payne, Mr. J. D. MacFarlane, Brig.-General A. Ross, Col. J. G. Rattray, Major E. J. Ashton (Soldiers' Land Settlement).

APPENDIX No. 18—Report of Canadian Legion Committee on Soldier Settlement.

APPENDIX No. 19—Minority Report of Member of Canadian Legion.

APPENDICES Nos. 20 and 21—Conference and Table submitted by Soldier Settlement Board.

APPENDIX No. 22—Memorandum re Superannuation and Permanency of Staff of Soldier Settlement Board.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,
COMMITTEE ROOM 368,
THURSDAY, May 15th, 1930.

The Sub-Committee to whom was referred by resolution of the Special Committee on Pensions and Returned Soldiers' Problems, matters pertaining to soldiers' settlement on land, met at 11 o'clock, the Chairman, Mr. Speakman, presiding.

Members present: Messrs. Barber, McLean (Melfort), McPherson, Power, Speakman, Stewart (Edmonton West), and Stirling.

In attendance: Brig.-General A. Ross of Yorkton, Sask., Mr. J. D. MacFarlane of Pontrilas, Sask., Mr. R. A. Payne of Langley, B.C., representing the interests of soldier settlers on land; Commissioners E. J. Ashton and J. G. Rattray, representing the Soldier Settlement Board; Mr. W. J. Egan, Deputy Minister of Immigration and Colonization; Lt.-Col. L. R. LaFlèche, spokesman for the Veterans, and Messrs. M. McIntyre Hood, J. C. G. Herwig, E. Brown-Wilkinson, and others of ex-Soldiers' Organizations.

The Committee proceeded to consider evidence.

Messrs. Payne, MacFarlane and Ross were called and examined.

At one o'clock, the Committee adjourned until four p.m.

AFTERNOON SITTING

THURSDAY, May 15th, 1930.

The Committee met at four o'clock, the Chairman, Mr. Speakman, presiding.

Members present: Messrs. Barber, Gershaw, McLean (Melfort), McPherson, and Speakman.

In attendance: Same persons who were present at the morning sitting.

Mr. Ross was recalled and further examined.

Commissioner Rattray was called and examined for evidence.

In the course of the proceedings certain papers and reports were submitted by the witnesses relating to the evidence given by them, which are printed herein as ordered. *See Appendices.*

The Committee at six o'clock adjourned until to-morrow, Friday, at 11 a.m.

HOUSE OF COMMONS,
COMMITTEE ROOM 368,
FRIDAY, May 16th, 1930.

The Sub-Committee to whom was referred by resolution of the Special Committee on Pensions and Returned Soldiers' Problems, matters pertaining to soldiers' settlement on land, met at 11 o'clock, the Chairman, Mr. Speakman, presiding.

Members present: Messrs. Adshead, Barber, Gershaw, McPherson, Stewart (Edmonton West), and Speakman.

In attendance: Brig.-General A. Ross. Messrs. J. D. MacFarlane, R. A. Payne; Major E. J. Ashton and Col. J. G. Rattray, Commissioners of the Soldier Settlement Board; Mr. W. J. Egan, Deputy Minister; Lt.-Col. L. R. LaFlèche, Messrs. J. C. G. Herwig, J. R. Bowler, E. Brown-Wilkinson, and others.

The Committee proceeded to consider the evidence given by Commissioner Rattray who was recalled and further examined.

Commissioner Ashton was called and examined.

Brig.-General Ross, Mr. Payne, and Mr. MacFarlane were recalled, further examined, and discharged.

In the course of the evidence given by Commissioners Rattray and Ashton, statistical and other papers were submitted by them which are printed herein as ordered. *See Appendices.*

The Committee at one o'clock adjourned until Monday at 11 a.m.

MINUTES OF EVIDENCE

COMMITTEE ROOM 368,
HOUSE OF COMMONS,
THURSDAY, May 15, 1930.

The Sub-committee of the Special Committee on Pensions and Returned Soldiers' Problems met at 11 a.m., the Chairman, Mr. Speakman, presiding.

The CHAIRMAN: I think you all understand what the arrangements are, that the Pensions Committee being composed of men who are not familiar with land settlement, has turned over that work to a small sub-committee of five, of which I have the honour to be the chairman. The members of the sub-committee are Mr. McLean (Melfort) and Mr. McPherson. As there were no Conservative members who were familiar with land settlement, we were empowered to ask for the appointment of two member who are familiar with this subject. Mr. Sterling and Mr. Barber have been appointed, and will have a voice in the committee.

We have three witnesses here besides the representatives of the Land Settlement Board. Mr. Payne is here from British Columbia, Mr. McFarlane from Saskatchewan, also Brigadier-General Ross of Saskatchewan. Mr. Payne and General Ross have been named by the Legion as the witnesses they would like to call, and Mr. McFarlane's presence is at the request of the committee. We will proceed without loss of time, and will hear Mr. Payne. In each case the witness will make a statement, and during the latter part he will be open to questioning. As we have very little time, I trust you will allow the witnesses to proceed with their statements without interruption, and then they can be questioned on the suggestions that they offer, at the end.

R. A. PAYNE called.

The WITNESS: I presume you have copies of the recommendations made by the Canadian Legion. The particular point will be the nature of the form of relief for the soldier settlers. That has been recognized, and recommendations for a form of relief have been made.

Mr. McPHERSON: You made a minority report.

The CHAIRMAN: I have given copies of the Legion's report, and Mr. Payne's minority report, to the members of the committee.

The WITNESS: In the general report there was no definite recommendation of a scheme for relief that would give adequate relief from the unbearable burden of debt which the returned soldier has got himself into, and I did make a recommendation. A short time after I received the first recommendation made, I received another which had been prepared with the advice of General Judge Ross. In that there were recommendations made for relief. The recommendation was reduction in the rate of interest to about three and a half per cent, and extension of payment to about thirty-four years. An argument in favour of that was that under the C.P.R. land scheme, the rate is three and a half per cent.

General Ross: That is not correct; the information that was given to me was wrong.

The WITNESS: This was part of the reason I had for making the minority report, owing to the fact that the C.P.R. had that scheme, which, if it was work-

able, I claimed it was on account of it being a commercial scheme, while our scheme was not commercial; it was for the re-establishing of the returned men and for demobilization. The other argument I had was that the United States statistics showed that the farmer, after paying all salaries or wages, insurance, taxes and so forth, could make seven and a half per cent on his investment. I could not agree with the United States statistics, but I was prepared to accept the statistics given in Regina when Major Ashton told us of a recent survey in the province of Ontario. These statistics that the farmer in Ontario got on his investment about five per cent and in British Columbia about three per cent. Major Ashton told us this when it was suggested that there should be a remission of interest. He said in Ontario they were getting about five per cent and in British Columbia about three per cent, and that it cost the soldier settler seven per cent to amortize his loan, so we left them to judge for themselves. Another reason why I could not agree was that I felt that the conditions in British Columbia were different from those in the prairie provinces. The arable land in British Columbia is very, very limited, although it is commonly understood that our bush lands there, the virgin land is very, very fertile. Probably it would be, if you could take the bush, the trees and lots, and lift them off holus bolus, but we have to clear the land, use blasting powder, and burn the stumps, and in doing that you destroy the fertility of the land and it does not become fertile for at least five years after burning it over in clearing. We have to use fertilizer, I understand the members of the Board know that we have been supplied with fertilizer.

Another thing, comparing British Columbia with the prairie provinces, a man might come to the prairie provinces, having very little knowledge of farming, but he can farm there. I may be contradicted, and I have not farmed on the prairies, but I understand he can come there, scratch up his land; it is not ploughing because I saw them scratching up the land, from the train as I came through. He then gets sufficient money for seed grain, and if the weather is good he makes money. That is all he does, as I understand; he is a grain farmer.

Mr. McLEAN (Melfort): Just picks gold off the bushes.

The WITNESS: The prairie farmer is a grain farmer, and if the weather is favourable he certainly makes money, but in British Columbia a man must do more than grow grain. He has got to enter into different lines of farming because there is very little grain grown in British Columbia. He must know how to raise chickens, pigs, and poultry. He must have milch cows and understand mixed farming. Over and above that, he may be doing something else in order to make a little extra money and sell his products. A man in British Columbia must know something about mixed farming to a certain extent, and in that I feel there is a great difference between British Columbia and the prairie provinces. In British Columbia, in the first instance, there were 3,515 soldier settlers, while to-day there are about 1,500, or less than 45 per cent of what there were originally. I am sure that if the soldier settler saw that he could have made even 5 per cent the relief through revaluation would probably have been satisfactory and sufficient, and further relief would not have been necessary, but the fact that less than 45 per cent of the settlers left the land is proof that it has been unworkable.

I have lived in the Fraser Valley in which the greater portion of the mainland is situated. I have lived there about twenty-six years, and for four years I have been representative of the Canadian Legion in the Fraser Valley on the executive committee, and I have been in touch with all parts of the Fraser Valley. I have been in public office in Langley and closely in touch with the farmers there. In my experience, the farmers in that particular dis-

trict were never able to make anything, let alone 5 per cent. In recent years they have got the land in a little better state of fertility, but I know that for a number of years many of these men got little compared to the amount necessary for clearing the land. They live well enough, and decently, because they could live on salt salmon and salt pork, but the old pioneers were different to what they are to-day; they were quite happy, but these men, in order to get money to pay taxes, from my experience in public office, had to get some little contracts on the roads in order to get money for that purpose. In other words, farmers that had debt could not make it go, but those not having debt, simply got through but with very little more. I spoke to a neighbour up in Langley, one of the best-informed in that district, Mr. John W. Berry, M.L.A., a successful farmer on bush land. I asked him if he would give his candid opinion as to the possible success of the soldier settlers under the existing conditions. I may say that Mr. Berry was well-qualified because he was a member of the committee of the Soldier Settlement Board, through whose hands the men had to apply for loans. He told me—"It is a fantastic dream which can never be realized." I also spoke to a well known farmer, Mr. Alexander Patterson, who at that time was our local member; he said something somewhat similar to that, and he, with others to whom I have spoken, are of the opinion that what should be done was to give them a title. Now that is something that the soldier settlers have not been asking for. They have been simply asking for a square deal. I have attended conventions of the Canadian Legion, at which soldier settlers from our province have been present, they made representations to the provincial convention; the first occasion was the provincial convention held in Vancouver in 1926, that from investigations of the soldier settlers, it was found that the men were under too great difficulties, and unable to carry on under the conditions as they then were. We made recommendations for some form of relief at that time in British Columbia, suggesting the complete cancellation of interest charges. We also heard the same complaint from settlers throughout the upper country, the Okanagan and Vancouver Island, that they felt that that was not sufficient because there had been a good deal of money paid as interest, and there should be some interest reversion to principal of the amount paid on account of interest to that date. Then they feel that under any such revaluation measure, it was necessary to have a percentage cut on their principal account, and although no set amount was mentioned, there was the suggestion from the north part, and I think Mr. Neill, who is member for that district, for a cut of as much as 50 per cent on the principal because they found they were having more difficulty than we had on the lower mainland. We then made the request for the complete cancellation of the interest with the amount already paid on account of interest, as well as a percentage on the principal. Then we had our Dominion convention at Winnipeg in January, 1927, where evidence from soldier settlers throughout the Dominion was given. The representatives of the prairie provinces gave evidence, and I was surprised to learn of the difficulties they were having and that they were unable to make it go under present conditions. They were unanimous in supporting the recommendation as I have said, for cancellation of interest, reversion to principal account, and a cut of 25 per cent on principal. They were also most emphatically opposed to the revaluation scheme, and gave reasons for opposing that scheme. That resolution was accepted in the convention, although I think our comrade, Judge Ross, did oppose it then, but I am very glad that he sees now that there is need for some form of relief.

They went forward, however, with the revaluation measure, which was then under way, and they put into effect a measure of revaluation which would give some relief in some cases, but there were cases where the arrears were so large that the men did not obtain relief. By that I mean that their accounts

were consolidated but rather than reduce the annual payments, they were increased in many cases. Great increases were made in the annual payments, with the result that the men were faced with a worse condition than they were before, and unable to carry on. The position was that they had stayed there for eleven years, and what they had represented all their money. I do not think it can be said that the soldier settlers have squandered or spent their money foolishly. If they had money to begin with, they put it in these places and they have not been able to pay the arrears on the loans advanced, and meanwhile they have been working under the greatest hardship, particularly where there are women and children. They have been unable to get clothes. I know a number of cases where clothing has been supplied by their relatives, and their living has been very, very meagre, and they have had the very hardest form of work in British Columbia.

I may say that I have studied this matter quite a long time, and that before putting in the minority report I called meetings to discuss these matters with members of the legislature and soldier settlers. I am satisfied that the recommendation will meet the situation to some extent as it has existed in British Columbia the past four years. I had a recommendation sent to me from a branch of the Legion in Vancouver Island, asking precisely the same thing, apparently, that I have suggested, and they were working without the knowledge of what their headquarters, or this particular branch, had been doing. Their recommendation was similar to that which we have been making from British Columbia all along.

I regret, gentlemen, that I was called here hurriedly, and have had not time, really, to make any prepared statement. I have been working on this matter of the soldier settler problem for so many years that I am thoroughly familiar with it. My remarks, no doubt, have been rambling, and maybe I have passed over points which I should have mentioned, but if the opportunity is permitted, I would be glad to reply to any questions with regard to British Columbia, or further elaborate on what I have already said.

The CHAIRMAN: If anyone wishes to ask any questions of Mr. Payne, in relation to his statement, they should do so now.

Mr. BARBER: There is just the matter of the working out of the revaluation, Mr. Payne.

The WITNESS: That, of course, is the form of relief in connection with revaluation. We did oppose it before it was made law, but after it came into effect, we in the Canadian Legion, assisted all we possibly could, in order to see that that scheme would be successful. In a way, as a real estate measure, it was a success, and we feel that the appraisals were very, very fairly made. We are surprised that it could be done so fairly, because we fail to see how it was possible to visualize what bush land would be like when cleared; that is, to see what it would be like when the bush, stones and stumps were removed. However, it was done very fairly, and was quite satisfactory. The procedure that was followed was that they apparently had the representative of the Soldier Settlement Board as an appraiser on the ground, and he made an appraisal in quite an elaborate manner, showing sketches and a full account of his work. They were presented to a committee of officials of the Soldier Settlement Board, composed of the superintendent for the district, the district solicitor, and the district accountant. They then examined this appraiser's report, and made a further report, which was submitted to the advisory committee. The advisory committee sat on the case and they made a recommendation for a certain reduction in the amount of this loan, based, I presume, on the information obtained from both reports. That is, they based their decision not only on the report of the appraiser on the ground, but the report of the committee of officials. According to the Act, the settler should be notified by

registered mail of the result, but in British Columbia he was not notified by mail because it was the policy of the Board to meet that man and they would show him personally what he was going to get under the revaluation. He was, in many cases, quite surprised because in some cases he would get very much more than he expected to get, but in others, they did not get so much. They were told that if they did not accept there was the Exchequer Court; what it meant, although perhaps they were not told, was that they would have to go to Ottawa. I know many of them were told it would be eighteen months or two years before their case could be heard, and it was inferred that to appeal to the Exchequer Court was almost out of his reach. In those cases there is need usually for haste, so that in very many instances the men accepted the revaluation. Now there are those men who had been referred to here as the burnt out men. The burnt out men accepted, but those who were not so burnt out would not accept and said they would hold out. I might tell you of the case of one burnt out man where the award was first made for \$850. He said, "No, I cannot accept that." They came back some months later and offered \$1,350. He would not accept. Later they offered \$1,600; and still he would not accept. I believe this man must have been running about for a year when finally they offered him \$2,050, and he accepted it. What we feel in British Columbia is that unless the appraisal on the ground showed that this particular man should get \$2,000, he should not have received it and if entitled to that why was he offered \$850? We feel that the burnt out men do not refuse to accept the first offer chiefly because they do not have confidence in themselves to face the Board as the other men who have a little more fight left in them. We ask that these cases be opened and reviewed without having to consult with anyone or give very much thought to it themselves. We feel that through misinformation respecting the Exchequer Court that they should have that opportunity. British Columbia, I believe, was one of the first provinces to get revaluation through. It was quite hurried owing to the feeling of anxiety to get it through, and it was intimated to the settler there was need for haste.

Hon. Mr. STEWART: Would that suggest, Mr. Payne, that the officials of the Soldier Settlement Board were not offering an amount agreed upon by the appraisal?

The WITNESS: I feel like making that suggestion.

Mr. MCPHERSON: I think that the committee realize what the general situation is. What I would suggest, if we are going to get any result, is that we act with as much quickness as possible and as there is a report from the legion containing certain recommendations and on which Mr. Payne has given a minority report we should take the representatives advocating the recommendations of the majority dealing with them direct one by one, so as to get what we want to discuss before us, and Mr. Payne, with his recommendations as a minority report, can make his suggestion as each item is considered. I suggest that instead of spreading a lot of general evidence on the record we should stick right to the point that the legion desires considered as in their report.

The CHAIRMAN: It was requested that all the witnesses should be permitted to make a statement as to conditions in their part of the country, as they saw them, as a background. As I understand Mr. Payne has made a number of recommendations in his statement and he certainly has not been very lengthy.

Mr. MCPHERSON: It is going to boil down to this that there are certain recommendations that they want and personally I feel that we know there is a remedy necessary from a general standpoint. A lot could be said of the statement, and it may be of real value. But I am only making this suggestion so that we can get along.

The CHAIRMAN: We have three witnesses here apart from the members of the board. Mr. Payne has made a statement offering certain suggestions, of which I have made a note, then Mr. MacFarlane will speak briefly on certain conditions, and Judge Ross, who represents the majority report, will bring forth the different recommendations. We will not lose very much time permitting it to go on this way.

Mr. McLEAN (Melfort): Let them make brief statements first.

The CHAIRMAN: There may be discussion on the statements afterwards.

Mr. McLEAN (Melfort): And they can also advise us on the report as we go through.

The CHAIRMAN: Are there any other questions you wish to ask Mr. Payne before we hear Mr. MacFarlane?

Mr. McLEAN (Melfort): Mr. Payne will be available if we require him.

The CHAIRMAN: We must try to be as sympathetic as possible towards our reporter. You may not realize, but we have only one reporter this morning, so perhaps it will be well to conduct the proceedings orderly because it is rather difficult for one reporter.

J. D. MACFARLANE: Called.

The WITNESS: I am a soldier settler and president of the Agriculture Society for the province of Saskatchewan. I might say that Mr. Payne has covered this very well. As far as the Legion is concerned, I wish to say that I am not a direct representative of the Canadian Legion on this occasion. I am here more in the capacity of a soldier settler, and to relate the experience that I had with the Soldier Settlement Board after I came back from overseas. I was with them from the fall of 1919 to the spring of 1924. At the time when the settlers were coming back, there was a certain demand for land created, and the price of land through that demand was raised to higher levels, also the prices of stock. It was pretty hard, probably, to get men of that calibre who had been overseas to act in that capacity with the Board. It was really difficult, owing to the demand for lands, to hold them down, and in every case greater advances were made on them than should have been, on account of the inflated value at that time and probably due to the increased prices of farm products, when wheat was around \$2 a bushel, but there is no doubt if farm products had stood up to the prices of those times, or anywhere near it, they might have quite easily met the debts against the land at that time, and on stock and equipment. However, the deflated prices and generally deflated economic conditions throughout the country caused the prices of farm products to go down and a lot of settlers no doubt got into a despondent condition over the thing. I understand that there is approximately 50 per cent at the present time who have either left their farms or sold out and quit. As I see it to-day there is approximately 10,000 left in the various grades, 1, 2, 3 and 4. The largest loans seem to be with grade 3 and grade 4 settlers. This is doing fair, and likely to fail, in those grades. Just in that connection the settlers whom the Soldier Settlement Board—

Mr. McPHERSON: You said, doing fair likely to fail?

The WITNESS: Grade 3 doing fair, and Grade 4 likely to fail. That is the distinction on Grades 3 and 4. In connection with those grades 3 and 4, those who are in that status, it is really for the benefit of them that any concessions that would be granted should be given and no doubt it will be impossible to do that without giving equal rights and all the consideration that would have to be given to the whole thing. I think with the soldier settler called upon to pay 5 per cent of the purchase price of the land, which might be \$5,000 at an

inflated value it turns out that those settlers are carrying a debt of about 200 per cent of what the place is worth. Mr. Payne has given the statistics on the United States farm conditions, which were compiled through the various universities and other sources making in the inquiry and they have found that the farmers are making from minus three in the worst deflated years, around 1923 to approximately 5 per cent in other years that were very favourable. If the soldier settlers are carrying a load of say from 150 per cent to 200 per cent of the actual value it seems improbable that they will get out of that position under present conditions.

I would like to say that I believe some concession will be granted all right and that immediate assurance should be given to those settlers in that grade who are on the farms at the present time. I will just cite one case in my own district, one with which I have been very familiar since they were established there. This man lived on a farm until a short time ago and after he left the farm he received a letter stating that the Board would be willing to only take the interest for the next five years and give him a chance to get along with the farm and then they would call on him for payments again. This is certainly quite a relief in a way but the position of this settler was, he had left the farm and had established himself in the village. He told me prior to my leaving that if he had received this letter he would never have left the farm, but that it was received too late as he now had established himself in the village and is trying to sell the farm at the present time. As a further means of keeping those men on the farms and doing what we can for them I would suggest a better supervision system, give them more in the way of supervision, probably supervision is the primary consideration and the collection of money a secondary consideration. I believe there is no doubt the collections would ultimately follow the good supervision and I see no reason why it could not work very satisfactorily. There is no question about it in my mind from the experience that I have had myself and seeing farming conditions in the prairie provinces as they are to-day that most likely the price of wheat will be lower than it has been in the past. That seems to be the general assumption of those who have made a study of that situation and I believe more diversified farming is really the solution. I think that they should go into dairy cattle, the production of hogs, poultry or sheep. I would like to see the supervisors work more in co-operation with the Department of Agriculture and the universities in the different provinces that are developing better farming methods and trying to introduce more into the communities, that is community breeding or community raising of grain. I find out from my observation throughout the Province where districts have gone in for short horn cattle that they are selling calves for \$150. In districts where settlers are scattered you find it is hard to get good sires that will produce good stock that will warrant a good price on the market. I wish to say that going into any district and putting this community system into operation you have to find the actual requirements of the settlers in those districts. In the Prairie River settlement which is south of Prairie River and it is chiefly soldier settlers who are located in that district, I believe that method could be worked out satisfactorily. It would create greater interests on the part of the settlers in their farms and give them more incentive to go ahead and a greater desire to stay on the farm and make good. Once it was started it would be quite easy to carry on with the collections. It seems to me at the present time, considering the price of farm products, that the payments are really too large and I would like to see those payments spread over a longer term of years and make them smaller and even though that is carrying the load on to a further period, it is really lessening the load for the time being. I see no reason why a lower rate of interest could not be granted. It would not entail

such a great deal of work and it would not mean there would be such a lot of money to the people of this country. It is really the settler who is on the land and trying to get along that we are trying to help out, but under present conditions he sees that it is practically impossible to get along. However there is the settler on the farm who is not very much interested at all and would not do very much good anywhere. We have those in some districts and no doubt you will find them among the civilian population. We do not have very much sympathy with the man who does not want to help himself. (There is just one thing further I would like to say in connection with the returned soldier settlement board farms, and that is in connection with rent. If a settler gets behind the supervisor, after giving it consideration—and in that you have to consider every settler on his own merits, you cannot treat all settlers alike—should endeavour to find the best way to get the man interested in his own affairs and have him make up his mind that he is going to stay and will succeed in carrying along. I would suggest that some form of rental agreement be made to show him that he is not going to be chased off the farm and in that way give him a chance to get along after he gets down to business. I see no reason why something of this nature could not be done, it is done by other loan companies, and I believe it works very satisfactorily. As soon as he brings his arrears in pretty good shape then you could wash out the rental agreement and let him go ahead carrying on his own. Just let him have the assurance that you are not going to kick him off and that he has every possible chance to succeed on a business basis. This could be on the basis that he is supplied with the stock and equipment but the rent could be on the basis of a third.

Mr. McPHERSON: Is it not customary in agreements on the prairie that the third of the crop is where the person rents the land, and if given stock and set up in business, they usually ask for half the crop.

The WITNESS: Usually when they supply horses, stock and all equipment, I would say it was about two-thirds and he only receives a working wage as it were, but my contention is that it would not do to push them too hard and that even the stock and equipment might be purchased by the Board and he might be put in the position to completely work the rented farm.

Mr. McPHERSON: The point is whether you mean that he will pay for stock, equipment and farm out of the third of the crop, while on the other hand he might be paying for the farm.

The WITNESS: It certainly would be a great deal harder but it does not do to cripple them and as I say you have to treat every case on its own merits.

Mr. McLEAN (Melfort): When you spoke I understood it was about the renting of land to the settler who had failed to complete his purchase.

The WITNESS: The settler who is in arrears.

Mr. McLEAN (Melfort): Actually your suggestion is if the man continues to rent the land that he has occupied by purchase, that he should be given the opportunity of gradually paying his arrears.

The WITNESS: Yes.

Mr. McLEAN (Melfort): The one-third is not applied on his purchase at all it is simply a rental.

The WITNESS: Simply a rental and it has been taken over without any foreclosure proceedings being instituted against the settler.

Mr. McLEAN (Melfort): Without him owning the land.

The WITNESS: Or with him owning the land. Say it is a purchase where the settler has \$2,000 in stock and equipment and \$1,000 improvements, that would be a \$3,000 payment.

Mr. McPHERSON: I took from your suggestion you were recommending instead of cash that the soldier be given the opportunity to pay on a third crop basis.

The WITNESS: In exceptional cases where the arrears are large, the settler has become delinquent and he may just be doubtful whether he could carry on; if given the opportunity under an arrangement of this kind it would give him more assurance. With some you have got to get some money because if they get away for a number of years and pay nothing the load is so great they will absolutely want to get right out from under it.

Mr. McLEAN (Melfort): It is your thought that the rental agreement should be given until he recuperates his position and then can go on with the payments.

The WITNESS: Yes.

Mr. McLEAN (Melfort): It is an important point and I would like to get just what you had in mind. I did not understand you to imply that that would be a purchase payment and that it would be continued indefinitely on that line.

The WITNESS: No, it would not be continued indefinitely on that line. You might get the soldier in shape in one year or two years and then put him right back on his old contract, that is, if he can reasonably meet the terms.

Mr. McPHERSON: As long as he is willing to try and operate the land he should have the opportunity to try and pay for it.

The WITNESS: Yes.

The CHAIRMAN: The suggestion you make is in carrying him on the rental basis you would give him an interim agreement and thereby accumulate a certain amount which could be used in working off his arrears.

Mr. ADSHEAD: The witness has just touched on the idea of co-operative farming as one of the solutions. I think you have touched upon a very vital point and I would like to know if you have had any experience and if so would you elucidate on that line.

The WITNESS: I will say that I have in connection with this Agricultural Society with which I have been associated a number of years. We sent out and we got some pigs that cost us about \$20, and we sold them out to the members of the Agricultural Society for around \$15.00 and we were to take one pig out of every litter. These became the property of the Agricultural Society and we sold these and started a real good hog business in that way and it went on until we had to quit and sell our pigs outright. We had about three or four sows coming in every year which we turned around and sold or distributed through the Agricultural Society. We also did the same thing with wheat and oats and buying the first pure germination wheat, and I believe the same with the oats, the result was that we were paid a premium over and above the market price for the grain and in that way I am satisfied that we stimulated the settler in that district to follow better farming methods. The wheat farming is one of the largest branches that we have to contend with and no doubt if the soldier settler through supervision learns this, because they are inclined to be a little more careless than the regular farmer, better results will be obtained. I believe it will get those fellows in better shape and create more interest in farming methods and they will become more contented.

Mr. ADSHEAD: Is it not inevitable if the price of wheat is going to be lower that the only solution for the soldier settler is the co-operative idea and the whole agricultural industry will have to decrease the cost of production.

The WITNESS: Yes and the chances are he will be able to sell that product at a premium above market price.

Brig-General Alexander Ross called.

The WITNESS: Mr. Chairman and gentlemen, I would like to have one statement that Mr. Payne made corrected in order that I may not appear before the Committee in an invidious position. I refer to his remark that I was opposed to revaluation. The fact is I approve revaluation but I was opposed to an arbitrary form of revaluation. However I have supported the scheme which the government adopted.

Mr. PAYNE: You opposed our scheme for relief.

The WITNESS: But I supported the principle.

Mr. PAYNE: Yes.

The WITNESS: One more observation. Mr. Payne is here representing the Canadian Legion. I am senior executive officer for western Canada, where the problem is very acute, and as such I present the report. We do not disagree with the minority report of Mr. Payne, we simply say we are not prepared to go as far as he goes. If you gentlemen can see your way clear to accept the recommendations that Mr. Payne has made, and consider them fair and just, we will be very glad, but in coming before this committee we come asking only for such measure of relief as will solve the problem, and will be at the same time fair to the country. I do not think there is any real conflict. It amounts simply to this that the information we have we do not believe warrants going as far as Mr. Payne feels like on his information.

The CHAIRMAN: The actions of the Legion show that a moderate stand is being taken and that they have given very careful study.

Mr. McLEAN (Melfort): With resulting success.

The WITNESS: In presenting the case on behalf of the Canadian Legion, regarding soldier settlement matters. I do not profess to be capable of discussing this question from a personal standpoint or with absolutely personal knowledge but for the last four years I have, as a member of the Provincial Executive of The Canadian Legion in Saskatchewan and as Chairman of the Dominion Committee which shapes the policy of The Canadian Legion as a whole, heard a great deal of the problems of the soldier settler. I have given much thought to the solution of this problem. I have learned to admire these men who are bravely striving under adverse circumstances to re-establish themselves and to feel for them the greatest sympathy. At the same time, I have learned that while the great majority of these men are absolutely sincere and honest yet the hardships which they have undergone following years of war service has, to a certain extent, affected their viewpoint and one cannot unreservedly accept at face value all the complaints and criticisms which are honestly made nor accept unreservedly their recommendations for relief. Realizing this, I have been responsible for two Surveys of an impartial character with a view to ascertaining facts upon which concrete suggestions might be made and legislative action legitimately requested.

First, in Saskatchewan, I secured the appointment of a Special Officer who, at our expense, visited soldier settlers in their own localities, heard their grievances, and investigated the grounds thereof. The evidence he secured was submitted to an impartial committee which then examined the Board's files and, after eliminating the complaints which were clearly unsupportable, submitted a report, copy of which I hope to furnish for your information.

I hope to be able to give you a copy of the Saskatchewan report.

The CHAIRMAN: There is the report presented by the Legion and also the report prepared by Mr. Payne. I suppose those should be printed.

Mr. McPHERSON: We have printed a lot of stuff that may not have been as valuable as that and I think it ought to be printed.

The WITNESS: When our Dominion Convention convened in Regina in November, 1929, the soldier settlers were largely represented and many resolutions submitted dealing with their problems; so much so that a special committee, consisting of business men, lawyers, and other professional men, was set up to hear their complaints and make recommendations which could be supported by facts.

In that connection I may say that we feel that we had asked the soldier settlers to solve their problems too long and that it was our duty to give them the best assistance from the best men we had available and to co-operate with them on their problems. As a result we have their report.

This Committee sat for four days and heard evidence, then examined the material available in files of the Board and, as a result, prepared a very extensive report which I, as the Senior Executive Officer of the Canadian Legion in Western Canada—where these problems chiefly arise—have now the honour to submit to you for your consideration. I mention these facts that you may understand that the Legion's representations on this very important question are not lightly put forward but that we have, so far as it is humanly possible, sought to ask only for relief which is justified by evidence.

It is now my duty to present to you our recommendations. I am quite aware that we are now in the closing days of the present Parliament; that you, gentlemen, are pressed with many things; and I would like to be brief but it may not be possible. I am pleading for the lives, the subsistence of nearly 4,000 men, their wives, their children, and I must of necessity ask you, gentlemen, to bear with me if I appear to dilate upon what may appear to be extraneous matters and circumstances. After all, there is a lot of psychology mixed in what would otherwise be a business proposition; and it is extremely desirable that these lonely men out on the farms in Western Canada should be satisfied that their views are adequately represented, and I must impress upon you, gentlemen, that what I am going to present will not be entirely satisfactory to them but what I do present represents what the Legion as a whole, charged with the tremendous responsibility of dealing with the problems of pensions, unemployment, and soldier settlement, are prepared to recommend and advise. To you, it may appear excessive; to those, whom we represent, it may appear negligible; but as responsible officers, having regard for the good of all those whom we represent, this program represents what we with all our strength and with the information at our disposal and available to us are willing to endorse.

Let me add that we approached the consideration of these problems assuming as a fact that this legislation was conceived for a two-fold purpose: first, of providing a measure of re-establishment, and second, as a colonization measure. Both these objects were within the proper sphere of the Government of Canada, and we assume that the Government of Canada must with the soldier assume at least joint responsibility for the success or failure of the scheme. That is, if loss must result as a result of the defects in the scheme, then the Government should, in our opinion, be willing to share the cost.

Now, gentlemen, with your consent and concurrence I would like to dispose of a few minor matters before I come to the main problem. I feel that we should do this before I deal with the major problem of relief because the minor issues might be obscured and I desire to deal with these minor matters now. I have two or three recommendations, what I might call the aftermath of revaluation.

When we last came before you on this question, we talked of revaluation. That our premises on that occasion were justified is proved by the fact that, after a careful survey, after appeals to the Exchequer Court, and so on, the sum of seven million four hundred thousand dollars of principal has been remitted. Now, we do not regard this as a bonus to the soldier settler. After the

deflation in 1920 and 1921, corporations and individuals everywhere found it necessary to re-write their agreements and bring prices based on abnormal conditions down to an economic basis. The result of the survey has been to establish that the soldier settlers were charged seven million four hundred thousand dollars more than the economic value of the land. The Crown, as a responsible partner in the enterprise, has had to assume the loss; and we are asking for nothing more along this line but to complete revaluation, to remove irritation, and give certain concessions which are necessary. They are not expensive but they will go a long way to remove difficulties and establish better relations.

Now, to make clear what I have in mind, it is necessary to review the circumstances leading up to revaluation. The bulk of the lands in Western Canada were bought in 1919 and 1920 when farm lands were based on values of grain then existing. The period of deflation and also of the period of disillusionment of the soldier settler followed. They found that the lands were not capable, under existing conditions, of producing returns necessary to take care of the fixed charges; and there developed a very insistent demand for revaluation. The settlers and their adherents demanded a straight capital reduction with remission of interest, the demands varying from 25 to 50 per cent. Some of us tried to show them that such an arbitrary measure was inequitable and unfair, both to the country and to the settler. We agreed that there was a case for revaluation but for a physical revaluation of each parcel on the merits. Our advice was not accepted. We were told that our method would be slow, costly, and cumbersome, and almost unanimously the Dominion Convention at Winnipeg endorsed these demands. In the result, Parliament admitted the case for revaluation but adopted the method suggested by the very small minority. Instantly, there was a storm of indignation and the slow, costly, and cumbersome slogan was used with great effect to convince these men that their interests were being neglected. To complicate the matter, there was introduced into the scheme the Exchequer Court. I imagine that nine-tenths of these men had never heard of the Exchequer Court. To them, it was something vague, impalpable, and inaccessible. In this atmosphere of unrest, distrust, and suspicion the revaluation scheme came into being. Of a possible 10,697 settlers 8,322 applied for revaluation hoping I suppose to get something. Of these, 5,688 accepted the award; 1,126 ignored it; 1,053 cases are still to be dealt with, and 286 appealed.

Now there is no question that of the 5,688 who accepted the award there are very many who were far from satisfied but they accepted because they could not appreciate the Exchequer Court as being as easy of access as it proved to be, absolutely fair as it was, and quite inexpensive. They had been told otherwise and there seemed to be no effective way of counteracting the propaganda. Then when their neighbours appealed and got results, those who did not appeal immediately felt that they had a grievance. We have received many suggestions that the officials of the Board exercised undue influence to secure the release. The evidence available does not satisfy us that this accusation is founded on fact but we do believe that the atmosphere surrounding the whole of revaluation, as I have described it, was responsible for the creation of a feeling of hopelessness which led many of these men to accept the award and then finding that they might have done better the feeling of resentment is against the Board which induced them to sign the acceptance.

Now to do what we can to establish better relationships and remove friction, we suggest a very simple thing and not an expensive one, namely: that the time for appealing from the Board's award on revaluation be extended, regardless of acceptances, and for a limited period of time. If this seems too broad and too far-reaching, then we ask for right of appeal subject to the approval of the Exchequer Court. That is, if a man can satisfy the Exchequer Court by definite evidence that, judged by recent authenticated voluntary sales of similar lands, his

valuation according to the Board's award is too high and that he signed an acceptance under a misunderstanding as to the procedure to be adopted on the hearing of appeals, then he should be permitted to appeal regardless of acceptance.

That is my first recommendation. You will find it couched in different terms in their report.

Mr. McPHERSON: You would restrict that to where the Board still owns the land.

The WITNESS: Oh, yes, where a man is trying to make good.

Mr. McPHERSON: Where a man has gone off the land but the land has not been disposed of.

The WITNESS: Yes, give him a chance to go back.

Mr. W. J. EGAN: Do you mean under a sliding scale, that you would ask for revaluation in 1928 if there was a poor crop in 1929.

The WITNESS: No, I simply ask that the man have the right to appeal now, because I believe a great many signed acceptances under a misapprehension. I do not know that any of them will succeed, but I would say that the Board is blamed for all that goes wrong even if they are not responsible. I say, have this as a gesture to these men and let us remove the source of irritation by giving them the right to appeal if they so decide, even if they have signed an acceptance.

Mr. W. J. EGAN: What would be the basis?

The WITNESS: The same basis on which you made the valuation. Whatever it was at that time. Not on the present value of the land but on the basis of conditions that existed under which you made that first survey. As a matter of fact the first value as fixed in 1925.

Col. RATTRAY: In 1925, but the basis of valuation was the actual date on which the appraisal was made.

The WITNESS: We accept that date.

Hon. Mr. STEWART: Under your suggestion, broadly speaking, you are closing the door of the Exchequer Court to the soldier settler.

The WITNESS: No, I am not, I am giving him access against the Board. Many soldier settlers have made the charges against the Board which I am not prepared to accept.

The CHAIRMAN: I think the reason General Ross mentions this is with regard to the suggestion that has prevailed as to the tremendous cost of an appeal.

The WITNESS: He has been under that misapprehension. They did not commence their appeal in a great many cases because of the mistaken idea that they might be charged very heavy costs and that was not the case. This gives them the right to renew their appeal.

Col. ASHTON: My understanding is the Exchequer Court should be the Court of Appeal.

The WITNESS: We maintain the same procedure which is as good. I propose the two alternatives, that if they extend the right to appeal, they be given the ordinary right of going to the court and asking that it be reopened.

Col. ASHTON: There is only one question that arises in that connection, Gen. Ross, and that is that our present appeals are going to take that court the best part of the year.

The WITNESS: I see what you mean.

Col. ASHTON: If you add to that I wonder when we will finish.

The WITNESS: The remedy is quite simple, appoint another judge ad hoc.

The CHAIRMAN: You suggest not that the whole situation be reopened, but that the time limit should be extended for those men who did not appeal.

Mr. McLEAN (Melfort): It is very simple and at the same time exceedingly comprehensible.

The CHAIRMAN: And would reduce all the misapprehension that you feel has existed in connection with appeals to that court.

Mr. STIRLING: I would like to ask the witness whether he likes the methods adopted in the Exchequer Court.

The WITNESS: In Saskatchewan I found them quite satisfactory. I personally attended sittings of the Court when it was hearing cases and I was extremely pleased with the manner in which it was conducted. I have no complaints as to the accessibility to that Court.

Mr. STIRLING: Who bore the expense of the soldier and his witnesses journeying to that port?

The WITNESS: In Saskatchewan the Legion bore that responsibility if he was not able to do it. The Legion also provided counsel. That is a point I am coming to next, the counsel.

The CHAIRMAN: I think we fully understand the scope of that suggestion as to the time of appeal.

The WITNESS: Another feature of revaluation requires consideration. The right of a soldier appearing before the Federal Appeal Board to a trained adviser is admitted by law. No such provision was made for the soldier settler. It has been found that, when competent legal assistance was secured by the Legion, results were good but many of these men did not apply to the Legion and were not able to obtain legal assistance themselves and, without competent advice, could not present the proper evidence. Here, it should be stated that there is no suggestion of technical procedure in the Exchequer Court. Both the Judge and the Counsel for the Board were eminently fair towards the appellant but, when a man comes to Court without evidence, neither the Judge nor the Counsel for the other side can do very much to help him present his case. In the event of the time for appeals being extended, we think that provision should be made to provide for soldier advisers to assist in these cases.

That is I think the great stumbling block in these appeals, the lack of advice before he goes there. Where the Legion is strongly organized they look after that, but in many cases that is not done.

Another feature overlooked in the provision for revaluation was the fact that in many cases the man had himself contributed a considerable sum of his own money to the purchase of lands. The Board's limit was \$5,000. Suppose the land was bought for \$7,500, the man put up \$2,500. If it is found as a fact that the land was worth only \$5,000, he gets no benefit by revaluation. He loses the \$2,500 and the Crown has the land. This is considered to be unfair. The scheme contemplated friendly assistance and partnership. If the Board permitted the man to buy the land, it is presumed that the land was worth the money paid. If it is found as a fact that the land was not worth that much, then the Crown and the man should share that loss equally.

Mr. McPHERSON: Does that cover the case where the man bought the land himself of his own volition and afterwards applied for a loan from the Board?

The WITNESS: Loans are not revaluation. This is a purchase case.

Mr. McPHERSON: Under this recommendation he pays the Board.

The WITNESS: Yes.

Mr. McPHERSON: He puts in a certain amount of cash himself.

The WITNESS: Yes.

The CHAIRMAN: It particularly applies where there was a purchase.

Mr. McPHERSON: Well as I understand, Col. Rattray agrees with General Ross in that statement but under those conditions of land purchase would there there be anything coming to the soldier on revaluation?

Col. RATTRAY: We are limited under the Act to \$5,000 for the land and \$1,000 for the bulding. That is all we are allowed to advance and the revaluation of the government that was made in these cases, we had to comply and could not exceed the advance or difference between that and the amount that we have agreed to give.

Mr. McPHERSON: That is another point. The suggestion of General Ross is if he bought for \$7,500 and he put in \$2,000 himself and it is now found that the value of the land does not exceed \$5,000 it would not be any benefit to the soldier.

The WITNESS: No.

Mr. McPHERSON: He could not get that \$2,500 off the \$5,000.

The WITNESS: No.

The CHAIRMAN: Where the purchase price exceeds \$5,000 the maximum loan would be \$5,000.

The WITNESS: That we suggest is not fair and the government as a partner should share the loss pro rata.

Mr. McLEAN (Melfort): What do you say about the man who bought the land absolutely on his own account and then applied for a loan to pay off indebtedness or obtain a discount from the seller? Would you say it ought to apply in that case as differing from the case where a man buys the land making a large payment of \$2,500 with the advice and authorization of the Board? That is a case that I think perhaps Mr. Bowler would be better able to answer. He is unable to be here today but will be here tomorrow.

Colonel ASHTON: May I point out that quite a number of soldiers bought land or entered into contracts to pay for the land at prices that we thought were higher than the land was worth at the time the land was purchased. There are lots of settlers who come up that have paid \$12,000 for land at that time which was only worth \$7,000 on which we advanced them, say, \$6,000, \$1,000 on buildings and \$5,000 on the land. We advanced them that \$6,000 because there was \$7,000 in it but not because we ever figured there was \$12,000. That is a difficulty that is going to arise and very naturally under this suggestion it would have to be considered insofar as the loss is concerned on a pro rata basis but the soldier settler having paid the much larger amount he would have greater corresponding loss.

The WITNESS: Could that not be solved by limiting it to the Board's valuation that they authorize at the time the purchase was made. I would accept that as being satisfactory.

Mr. McPHERSON: I think there is a vast distinction between the two. First of all in the case of the man who of his own accord goes on any land at any price he wants to give and afterwards applies to the Board for a loan, you say that man is not entitled to revaluation as a matter of right.

The WITNESS: No, I do not think so.

Mr. McPHERSON: But the other case the \$5,000 out of the \$7,500 that was put up by the Board, would it meet with your approval if the reduction allowed should be distributed pro rata to the money put up.

The WITNESS: Yes.

Mr. McPHERSON: If the reduction was \$2,500 under revaluation you would not ask the amount of two-thirds.

The WITNESS: Two-thirds government and one-third the man and if the man paid more than the Board thought it was worth at the time, if he insisted in going against the Board's advice he would have to accept their revaluation.

Hon. Mr. STEWART: Do you not also infer that a man should receive back a portion of the 10 per cent?

The WITNESS: That is not revaluation.

Mr. MCPHERSON: I think you can leave out the 10 per cent.

Hon. Mr. STEWART: It does have a bearing.

Mr. MCPHERSON: It has to be protected but that 10 per cent is not the part that we are after.

The CHAIRMAN: I have had a good many cases of this kind come before me and I quite understand his point.

The WITNESS: Another difficulty which has developed is the question of payments. It is found as a fact that in many cases when the contract was rewritten after revaluation, it was by reason of accumulated arrears necessary to make the annual payments greater than they were under the original contract. This is the cause of much dissatisfaction and misunderstanding. It is recommended that provision should be made for rearranging the contracts so that in no case will the payments be greater than they were under the original contract.

Now it is a great shock to a man getting revaluation to find he has to pay \$6,000 instead of \$4,000.

Mr. MCPHERSON: No other charges are made under your suggestion of extending the payment.

The WITNESS: Yes, on revaluation.

The CHAIRMAN: Frequently the arrears amount to more than the sum allowed on reduction, and then on amortization the payments amount to more.

The WITNESS: Yes. I wish to make one or two remarks about collection methods. I have been speaking to Major Ashton and I understand the Board has a scheme under consideration which may be favourable and to which we intend to give further consideration. There is a good deal in collection methods.

In all the evidence we secured, we find severe criticism of the Board for its collection methods. At the risk of criticism by those whom we represent, we may say that the greater number of these complaints are unfounded and are solely due to the fact that the settler, not realizing that this scheme in its original conception and as it exists to-day is fundamentally unsound in that it violates every principle of loan practice as prevailing in this country and, therefore, that under it success is extremely difficult, blames the Board for all his troubles and as a result magnifies small matters until these small matters obscure the larger fundamental issue. Furthermore, the creditor in this case is the Crown and not a corporation. It must be remembered that a corporation can do as it pleases in such matters. It may prefer one man to another and no one can complain. The Crown is not in that happy position. It must deal with all on the same basis, particularly in soldier settler cases. There is only one feature of the general aspect of collections which should be stressed; and I mention it simply to give the Board an opportunity to state its policy so that, if the general conception is wrong, then we will have the true policy of the Board on record. There is a general impression that the Board works upon a quota basis. It is generally stated and commonly understood by the settlers that if the Supervisor in one district does not produce returns equal to those in another district fault is found with his work. If this system exists, it is wrong. It is well known in Western Canada that one district may have a bumper crop and another a total failure. Each district will produce according to the conditions existing and not otherwise. The Board do say that this is their policy, and I am prepared

to accept their statement, but I do wish this statement placed on the record so that we may have official denial of the existence of any such practice, the alleged existence of which has been the cause of much dissatisfaction.

Major ASHTON: I would like to point out that we are now planning for this next season. In work like ours we have to plan a long way ahead, and right now we are collecting facts as they exist in the several districts in the different provinces and we will continue to collect that information until harvest time. Our field staffs are not judged by the amount they actually collect. There are many things that enter into that. It is true that the matter of collections must enter into your judgment to a certain extent, but we look at collections received from a district in the light of the success that district has had in agriculture during the year for which collections are made. If the Melfort district in Saskatchewan has had a bumper crop, and the North Battleford district has had a crop failure, and we find the collections for North Battleford are higher than Melfort, we at once question the work of the field staff. However, I want to assure the committee that in our preparation for collections this year, as in past years, we endeavour to take into consideration all factors in the case, and naturally we have to make an endeavour to collect the amount in the district which conditions justify. We do not base the reputation of our supervisors solely on what they collect, because if we did some supervisors would not come up to a satisfactory average.

Mr. McLEAN (Melfort): The first test of the man's value as a supervisor must be the average maintained by the district, but it would be up to you to see if it is not paying its debts.

Colonel RATTRAY: Are you going to refer to the recommendation on page 10 of your report?

The WITNESS: You mean the recommendation dealing with suspension of payments. I will take that up under the general problem.

Colonel RATTRAY: What you are talking about now really includes this on page 10 of the report.

The WITNESS: As I explained, Colonel Rattray, these proceedings are going to be studied very carefully by the soldier settlers, and I would like to give the Board the opportunity to clear up any misunderstanding. I am merely making a convenience of the committee for that purpose. I will discuss that matter on a broader basis when I come to the general problem.

I now come to what the soldier settler calls security of tenure. I might say, gentlemen, that what I am putting forward is something quite new, and something whereby we may improve the condition between the Board and the settler. Connected with collection methods is what the soldier settlers call security of tenure. We believe that this means that they would like some more definite assurance as to their right to retain this land, and that the present methods of collection often are too drastic and severe. We do feel, in this connection, that the Board is in an invidious position under existing legislation. It is both litigant, judge, and sheriff, when it comes to the conclusion that the man is no longer in a position to carry on. It does not submit itself to the decision of an independent Tribunal. Under the Act, it serves notice of cancellation and, at the end of thirty days, it evicts. It is true that he may make representations and secure respite but if, notwithstanding representations, the Board still adheres to its decision there is left to the man a feeling of injustice, of oppression. The thing is largely a matter of psychology. We have heard in pension cases a good deal about the mental affect resulting from contact between the applicant and the Board. The same thing applies in settlement cases. The man feels that he is being crushed by some unseen force; that he is helpless. Now to improve the relationship, to remove the sense of injustice, to

relieve the Board of the unpleasant duty of eviction, it is suggested that the Crown might without in any way decreasing its security, without in any way impairing its rights, delegate this responsibility to an independent body. I suggest that, when it is felt that a settler should no longer be carried, application should be made to the nearest Court official exercising jurisdiction in mortgage matters for an appointment to consider the merits. The man instead of being served with a notice of rescission would be served with a notice requiring him to appear and state his case. He could thus go before an absolutely impartial Tribunal, trained and accustomed to deal with such cases, and without formality discuss the matter. The Judge would then have power to make such an Order as might be just. He could give time, he could impose terms. He might, in a hopeless case, give an immediate Order but whatever was done the settler at least would have the satisfaction of knowing that his case was disposed of on its merits. The expense of such Proceeding would be negligible. The results might be far-reaching in promoting that friendly relationship which should exist between the Board and the settler.

I do not contemplate a lengthy court procedure; I simply suggest application for appointment similar to the jurisdiction in mortgage matters, where the man would come up and be dealt with in the same way. I deal with mortgages and contracts myself every day in the year. I put this forward as a suggestion and repeat that it is quite new. I think you gentlemen who know the soldier settler, after studying this will realize that possibly it will do much to relieve the irritation which after all, is causing a great deal of trouble.

Mr. McPHERSON: I presume you will agree with me as a lawyer, that there is no possible way in which legal security for tenure could be given with the right of collection.

The WITNESS: That is right.

Mr. McPHERSON: There is no possible way in which legal security for tenure can be given with the right to the government to collect further moneys. It is illegal to say that a man owes some money and if he does not pay he will loose his land.

The WITNESS: It could be done.

Colonel RATTRAY: Would this be disposed of by the county court judge?

The WITNESS: By the county court judge summarily. He would make the order imposing terms that he would pay so much at a certain time. The whole idea is that before he goes to this court he knows he has a chance to tell his troubles to somebody who is not connected with the Board.

Mr. McLEAN (Melfort): The same as under a mortgage.

The WITNESS: Yes.

Mr. McLEAN (Melfort): Is this uniform throughout the Dominion, or does it vary in different provinces?

The WITNESS: It is practically uniform in the prairie provinces.

Mr. McPHERSON: Before I can foreclose in Manitoba the case has to be taken before the court of the King's Bench. It is sometime referred then to the county court, or district court judge. I would suggest this: that if that decision were agreed to, the amendment should distinctly specify the district or county court judge, so that there would be no question of jurisdiction.

The WITNESS: I think that would be the simplest method. In Saskatchewan and Alberta the district court judge already has the jurisdiction of a King's Bench judge in matters in controversy, and we examine the account and the circumstances of each case. In a mortgage case we make an order for immediate foreclosure where the man is absolutely hopeless, while in others I might give a year; I decide on each case with the idea of giving a man a chance if he is

worthy. If he is not worthy he goes off at once, and that is the idea I have before me that sitting on these cases the men will not feel that they are victims of a machine.

Mr. McLEAN (Melfort): Would that be in chambers or in court?

The WITNESS: In chambers; there could be set up an improvised practice of simply going to the county court judge, showing the state of the land, and the circumstances. The judge says, "I will allow this man three weeks from today." You would serve notice for him to appear before that judge, and even then, if he does not come, the judge will review the case. If the man comes he tells his story and he is asked how much land he has; what equipment he has and we endeavour to estimate his ability to pay if he gets a chance. Possibly the friendly advice will be encouragement for him and he will make it go.

Mr. STIRLING: Would the settler consider it necessary to take a lawyer?

The WITNESS: It is not necessary, but he could do so. I hear people, and of course, we are not sitting in court, so I can talk to them informally, and find out what their position is. Of course a lawyer might be of assistance.

Colonel RATTRAY: Who do you suggest should bear the expense?

The WITNESS: The expense would be very small, and you have your own solicitor.

Colonel RATTRAY: How about the settler?

The WITNESS: He pays his own.

Mr. McPHERSON: He would be within twenty-five miles of a court in Manitoba.

The WITNESS: I do not think a man would have to travel in any case more than seventy-five miles to get to a court.

The CHAIRMAN: I think that is an important matter, from the psychological point of view, and it is a question we shall consider carefully.

MAJOR ASHTON: If it can be set up in every province, it appears to be very worthy, but I doubt if this could be set up in every province in Canada.

The WITNESS: You will have to act on the advice of counsel, but I think in Alberta and Saskatchewan they are pretty much the same.

Mr. McLEAN (Melfort): Is not the bar to such a proceeding at the present time contained in the contract between the settler and the Soldier Settlement Board.

The WITNESS: The procedure is provided for in the Act for eviction.

Mr. McLEAN (Melfort): And the contract has a proviso which prevents it being brought into court the same as a mortgage company would have to do.

The WITNESS: The only limit, both in the contract and the law, is the present method of service.

Mr. McLEAN (Melfort): So the Act and the contract are responsible for the present condition.

The WITNESS: Because the Act governs the contract.

Colonel RATTRAY: What do you mean by security of tenure?

The WITNESS: I am not quite sure, but it is a term that is quite pleasing to the soldier settler.

Colonel RATTRAY: Last fall I was much exercised over the number of soldier settlers leaving, and I was just wondering whether it was limited to soldier settlers. I had a survey made through our district offices and field supervisors to find out what the tenure of office is throughout Canada. I told them to go to the different county courts, the different land titles, and the secretary-treasurers and get all the evidence they possibly could collect. The result of

that was something rather peculiar from the west because I have the report of Canada from all points, under one figure. The University of Saskatchewan made a similar survey, also the American government made a survey, and it was found that the tenure of occupancy of farms west of the Great Lakes, and west of the Mississippi river was about twelve years. Now we have about 50 per cent of the soldier settlers on the land, and they have been there nearly twelve years, so that the average tenure is better than the general average throughout the country. Not only that, we find in Ontario the average is twenty-five or thirty years, and the result is that we have only about sixty-five farms on our hands, whereas we have a complete record of twenty-five thousand farmers under the Soldier Settlement Board. That is the only accurate record, I suppose, in the world, of twenty-five thousand farmers scattered throughout a country. This record was made at the time of the purchase, and we followed the thing right through, so that we know that we have a definite record, which almost falls in with the considered opinion of the different people of Canada. From that on this question of security of tenure so far as the soldier settler is concerned, taking a general view, it is about equal, about the same.

Mr. McPHERSON: You are discussing the average tenure of ownership and occupancy of farms.

Colonel RATTRAY: Yes. That will fluctuate according to the newness or age of the country, but there can be only one security of tenure guarantee that they will remain in possession, regardless of what happens.

The WITNESS: I think what they have in the back of their heads is that if they have some assurance they will not be evicted from the land, that is what they call security of tenure.

The CHAIRMAN: Under the terms of the Act, the settler is deprived of all ordinary legal safeguards. He has relinquished them by coming under the terms of the Act, and because he is subject, as he feels, to arbitrary action of the creditor without the intervention on his part, something to which no other debtor is subject. I think the recommendation of General Ross, while it may not have any change on it, it is a psychological effect.

Major ASHTON: May I say that under our salvage cases it is only a percentage of these in which we take rescission of contract. A large proportion signed quit claims of their own volition.

Mr. McPHERSON: From that standpoint I do not think it makes any difference. The majority that I have come in contact with have signed the quit claims because they feel they are hopeless.

Major ASHTON: I have felt myself that that was the situation.

The WITNESS: That comes up again under one of these recommendations. I wish now, to deal with the clause, Crop Lease and Bushelage Contracts.

Another cause of considerable friction and consequent bad feeling arises from crop share agreements and, what is called, bushelage contracts, or contracts made on a basis of an estimated crop and providing for delivery of a fixed portion of the crop. As to the former, the system of crop payment is still recognized in Western Canada and might, with advantage, be used in the soldier settlement scheme in cases where the settler is a grain farmer, pure and simple, but experience has proved that where the man has no other land than the land affected he cannot possibly pay more than one-third of the crop to the vendor. The Board utilizes this method to secure payment where the account is in arrears and, it is charged, have exacted as high as one-half of the crop. It is suggested that this is done only in any case where the man has other land sufficient to provide a living. If so, and the other land will provide a living, no

reasonable objection could be offered, particularly, in a case where the man is not playing the game; but, where the S.S.B. land is his only resource, we respectfully suggest that exaction of one-half the crop would not be justified and can only tend to provoke hard feelings, which should be absent.

Bushelage contracts have provoked great resentment. We are informed that the crop is appraised, say in July, and the estimated yield placed at so many bushels. The Board then asks and gets a contract for delivery of so many bushels after harvest. Now, any one familiar with Western Canadian conditions knows that there may in a very short time, by reason of rust, frost, or other cause, be a tremendous depreciation in the crop. It is alleged that the Board have, in such cases, tried to exact the full measure of the contract. If so, there is sure to be friction and consequent controversy. We quite recognize that the Board has a duty to perform to the public. We quite realize that their task is a difficult one, but we respectfully submit that unless they can satisfy this Committee that their task is impossible without the security provided by this plan then a contract, so fruitful of misunderstanding and friction, should be discontinued.

Colonel RATTRAY: I can speak with a good deal of conviction in regard to that, having had considerable experience with selling lands for loan companies, and I think you are right. If there is any case where a half-share crop has been asked, I do not know of it. There have been very few cases where even the one-third share crop is considered fair. They are usually two out of five, but as for the buying of land on a crop share payment only, I am totally against it. I will not recommend it because it is unfair to the buyer and to the seller. I will not go into the details.

The CHAIRMAN: There is another point, that is the question of securing chattel mortgage prior to threshing, on an estimate.

Colonel RATTRAY: That is done; but as far as I am aware, it is a case where the amount of the grain would not come up to the estimate there.

Major ASHTON: We have seized whole crops on a number of occasions; we have seized them for three years in succession, and did not take a third or a half, would not take hardly any at all, but we have administered the crop under that method, and generally we have not kept 25 per cent. Where we received a thousand dollars, after paying for threshing, allowing something for grub and for clothes, we have considered we were lucky if we had \$250 left. We also paid his taxes.

Colonel RATTRAY: Is it not common, when a purchaser buys a farm, stock and equipment, for him to pay at least one-half crop if buying on the crop purchase plan, and when renting the land with stock and equipment, I think you would admit a third would not be sufficient if he is going to pay you anything; that is, you would have to collect more than that under favourable circumstances.

The WITNESS: In my experience, during the last eight years, I cannot recollect a half crop. From my experience which covers examining purchases for vendors, lessors and lessees, I have never yet been able to find any crop that would leave anything to the man if he paid a half.

Mr. McLEAN (Melfort): The question of a third crop for rent; the owner supplies the land only, no stock or equipment. How would the same owner ever be paid outright for his land, if he sells stock, equipment and land, and only collects a third, as capital? When would the transaction come to an end?

The WITNESS: I am afraid I cannot answer that question.

Mr. McPHERSON: While I am not a witness, in order to put all the facts before the committee, I wish to say, from thirty years' experience dealing with crop share agreements against the sale of property, stock and equipment, I do

not remember where the payment was not half crop. We rent on a third crop, and the tenant handles everything. He takes the land under certain conditions, and returns it in the same condition. We sell on half crop where the man is purchasing. It may not agree with the other department, but that is where you overcome the capital expenditure. I do not think he would pay for it out of a third. There was some mention made by you of bushelage. I have never run into that, but is it where a man covenants to deliver on account of payment a certain number of bushels, of a certain kind of grain? How does that work?

The WITNESS: I am glad you have asked for that information. While they have taken a contract on the bushelage basis, I understand in no case have they exacted the full terms of the contract if the condition did not justify.

Mr. McPHERSON: I understood Colonel Rattray was referring to the taking of the share of the crop.

The WITNESS: No; this refers to the purchase, and the trouble we have had, or that the Board has had, was due to non-performance, and I wish to say that we did not think it was fair if they exacted the contract, but Colonel Rattray says that has never been done, and I believe him.

Mr. McPHERSON: He says it was done in some cases, but they did not apply it to the purchase of the land; they only took it to see that it was handled all right.

Colonel RATTRAY: There is a time limit on that. It generally terminates at the end of ten years.

The WITNESS: And then the balance is paid in cash.

Colonel RATTRAY: There was some evidence with regard to the bushelage. I think you made an investigation at Regina, where some charges were made against the Board. What did you find?

The WITNESS: Mr. Bowler will tell you to-morrow about that matter. He knows more about it than I do, and will be able to clear that point up. However, we had that complaint, and we made an investigation, and found that there was no real foundation for the complaint. Colonel Rattray says he did not do it; I accept his statement.

Colonel RATTRAY: I wish to make the statement here that we are from time to time asked by settlers to seize the crop, and handle it for them.

Mr. McPHERSON: So that somebody else will not step in and get it. I might add to that, that I doubt whether it is fair treatment to give to the public financing the farmer. They obtain their supplies through the summer, and then through the instigation of the Board, or rather, their request to the Board, ask them to seize the crop and keep the man that has supplied the necessities, from being paid.

Mr. McLEAN (Melfort): On the other hand, it might be fair to all creditors that they would ask that to be done.

Mr. McPHERSON: That is the way it does not work.

Colonel RATTRAY: They look upon us a trustee.

Mr. McLEAN (Melfort): I know many farmers who have the sheriff administer their crop. That is done in a great many cases. I will not be here to-morrow, so I would suggest, in view of that, the advisability of the chairman increasing this committee.

The committee adjourned until 4 p.m.

AFTERNOON SESSION

The Committee resumed at 4 p.m.

The CHAIRMAN: Dr. Gershaw has been added to the Committee.

The WITNESS (Mr. Ross): My next submission is in connection with the restriction of credit. This is not an easy matter to deal with, but it has been brought to our attention, and I think some submission should be made to you in the matter.

Another matter which is strongly urged upon us is restriction of credit. As you know, the Board holds as security all the man's belongings. Therefore, as a credit risk, he has nothing to offer except himself. It is true that, even under those circumstances, these men have secured an unbelievable amount of credit (but that is a western condition, generally understood although not understandable) but there come periods when credit is seriously restricted and emergencies develop when the soldier settler finds it impossible to get credit in an emergency by reason of the fact that his financial standing does not justify such an advance. It is suggested that the Board, to meet such emergency, should have power to make an advance but, of course, only in such cases where the man's equity in the land and general reputation would seem to justify it.

That is intended to meet a case of serious illness, where there is some unforeseen emergency, and he still has an equity in the land, and his general reputation is such that an advance is justified.

Colonel RATTRAY: We do spend considerable money for the preservation of security, and also if the man is up against it. He is carried on, and we make advances, but of course it always becomes capital.

The WITNESS: Of course it is capital.

Colonel RATTRAY: And the question of paying personal expenses there, I think it might be open to abuse.

The CHAIRMAN: I was just going to suggest, as General Ross goes on, that anything of that nature which the Board wishes to make comment on, it may do so. This is sufficiently informal to permit that.

Major ASHTON: There is another thing, General Ross; our superintendents have gone with settlers to banks and others to arrange credit. I think you will find every district superintendent we have from time to time helps out the settler in the matter of credit. There are, of course, some settlers whose position is such that we cannot do anything. When a settler is over the maximum loan under the statute, and badly in arrears, also owes store bills and taxes, his situation is a little difficult, and those are the men with whom General Ross and the Legion, have the most trouble.

The CHAIRMAN: There are cases where the Board has waived priority.

Colonel RATTRAY: In the Vernon district in British Columbia, that has been done. I would venture to say that in 25 per cent of the settlers' cases, almost every year we give way to the banks to finance them through the season. We gave way this year, I think, on seed grain. We do waive our priority right if they want to go back, we let them take the land.

Mr. MacFARLANE: That is only in the case where the arrangement is entered into before the credit.

Mr. McLEAN (Melfort): What do you do, Colonel, in cases such as sickness, or where a man has a stroke of bad luck? Do you sometimes let the payments go when you could collect?

Major ASHTON: Undoubtedly, yes. We have to depend a good deal on the circumstances in these cases.

The CHAIRMAN: I understand, in the case of store bills, that the Board has waived a portion of their claim in order that a proportion of those store bills can be paid. I have had instances of that myself.

Major ASHTON: We have had rather striking instances of disbursements of very large amounts to surplus creditors that we could collect.

The CHAIRMAN: I just want to make it known that that was the case.

Mr. McPHERSON: There is no suggestion as to what can be done?

The WITNESS: What might be done, yes. If considered advisable, amplify the Act to cover this other than seed grain and taxes, which they now have power to advance.

RE-LOCATION

The question of re-location has also been raised. It has been found that some men are on land which is so unproductive that they can never make good. It is true that the man picked the land, but it is also true that the Crown, under this scheme, adopted the attitude of friend, counsellor, and guide of the soldier. The responsibility is joint but the greater responsibility rests on the Crown. It is suggested that this responsibility be recognized and that, where it is established that a man is on unproductive land, arrangements be made to transfer him to a more productive area. In this connection, a situation has also developed in a few cases where men have settled on lands and now find themselves surrounded by settlers of alien origin who participate in many municipal affairs, run the schools, and generally dominate. It is needless to say that this is particularly galling to the returned soldier; in fact, it is intolerable. In such cases, re-location is advised; and it should be pointed out that no monetary loss should follow as these people, once they have penetrated a district, are only too anxious to purchase adjacent land at a good figure.

That latter situation is one on which I had some communication, and there is a good deal of dissatisfaction. The men claim they settle in good faith, and since that the conditions have changed entirely. It is suggested that in order that they may get away from such districts, they might be placed on some other lands more congenial, and I am quite satisfied, knowing these people, that the Board would have no difficulty in selling out these places very shortly.

Major ASHTON: We have absolutely no objection to a transfer of that kind in a foreign district. We cannot go out of our way and buy a new piece land, but we will facilitate a transfer of that kind to the best of our ability, only the settler himself must make the sale. No hindrance would be put in his way as to transfer of stock and equipment.

The WITNESS: What we have in mind is that as you have a number of farms on your hands, possibly in such cases an exchange might be effected. That is the whole reason why they could be transferred from one half to another, or one quarter to another.

Major ASHTON: The governing factor in that is that the sale of the first should be made before you undertake the sale of the other parts; otherwise he would exceed the statutory power.

The WITNESS: I ask you to change the statutory power to meet the situation. In the complaints brought to my attention in this connection, these settlers claim they have absolutely nothing to say in the administration of school affairs or municipal affairs, and they feel that situation is quite intolerable.

Colonel RATTRAY: They selected that piece of land of their own accord.

The WITNESS: I understand the encroachment has taken place since then.

Colonel RATTRAY: They are not any worse off than the others.

The WITNESS: No.

Colonel RATTRAY: It would accentuate the situation for those who remain.

The WITNESS: There is simply the fact that they are returned soldiers and they have a certain class feeling that makes it difficult for them to settle happily under conditions dominated by purely foreign elements.

Mr. McPHERSON: In the ordinary district a man has a perfect right to sell his own farm and move, but in this case they cannot sell it.

The CHAIRMAN: I think we have a thorough understanding, and can make amendments if amendments are desirable.

Mr. McLEAN (Melfort): You are not asking that they should buy new farms?

The WITNESS: No, the Board has plenty of farms, and he has his choice from those. I do not say that the Government should buy new farms. Before I pass to the main issue, a situation has developed, particularly in Manitoba, Alberta and Saskatchewan, on which I have received many communications, and complaints. I am not going to press this very strongly, because my own personal view and that of the Board coincides to a very large extent. You know last year the greater part of the province of Saskatchewan suffered from drought, with the result that a number of settlers not only were not in a position to make their payments, but were not in a position to pay their taxes. The result is that the Board has actually paid \$800,000 in taxes this year in the western provinces. Now, that is all right, but unfortunately these taxes were not paid until after the period of the imposition of penalties. You are no doubt aware that there are penalties for non-payment on the first of January of the year following that in which the levy was made. They vary from 8 to 10 per cent, and that goes on automatically. The Board pays that money, and the man has to pay the 8 per cent penalty and 5 per cent to the Board. The Board might arrange to pay 2 per cent down and 5 per cent in the fall, which eases the burden. The great complaint is that the Board did not pay that money in time to avert the penalty. The Board could not very well adopt the policy of paying the taxes every year, because if they do they will pay no taxes at all. I see that danger. I submit to you, gentlemen, most of you having had farming experience, to consider whether or not some rule or practice might be adopted where, if it appears that, by reason of drought, hail, frost, or rust, the settler is going to be crippled in meeting his payments, that the Board should be permitted, without legislative enactments, to make these payments in time, and thus avoid the penalty. I believe I have put that as clearly as I can, and I will leave it for your consideration.

Colonel RATTRAY: That is overcome now. We had a meeting of the executive committee of the union of municipalities for Manitoba, Saskatchewan and Alberta. We went thoroughly into that problem, and while we cannot avoid payment of the 2 per cent, we are not going to penalize the settler by charging the 13 per cent, because we will only pay 2 per cent up to March 31, and then we will carry on the payments to the next tax period, and charge the settler 5 per cent in the meantime. That is for 1930, beginning with this year's taxes, 1929. We have entered into an agreement with the union of municipalities that for non-payment of taxes on Soldier Settlement land they will be penalty-free up to the 1st of January. The payment date is the 15th of September, or the 1st of January. We do not know whether the settler will pay them or not. He may come along on the due date, but we now have thirty days after the due date to pay the taxes, penalty free. That has been arranged with the union of municipalities by an agreement signed by Mr. Egan and myself, and the union of municipalities.

Mr. McPHERSON: It covers it very well, but I do not know under what possible law the union of municipalities can make such a deal.

The WITNESS: They cannot. It is a gentleman's agreement.

Colonel RATTRAY: We have paid 2 per cent on \$4,000,000 taxes, and they have postponed the penalties until the 1st of April, that is, individual municipalities.

Mr. McLEAN (Melfort): Have you the wherewithal to make the payments if it comes in April?

Colonel RATTRAY: We will if we have any money left out of our appropriation.

Mr. McLEAN (Melfort): I suppose you had to wait until the 1st of April this year; your appropriation was exhausted.

Colonel RATTRAY: Yes. We are overdrawn just now, but the taxes will be looked after.

The WITNESS:

MAJOR PROBLEMS

We now come to the problem which is fundamentally the cause of all this irritation: the inability of a large number of settlers to make good under existing conditions. We have had interest remission and revaluation, capital reduction on implements, and various other things, all of which have proved more or less palliatives but, apparently, not cures for, according to the figures furnished by the Board, 3,926 settlers with an average loan of \$2,320, have definitely succeeded; 3,201 with an average loan of \$3,178 are likely to succeed; 3,163 with average loans of \$3,732 are barely holding their own, a very slight setback might produce failure, while 1,622 with an average loan of \$4,450 are likely to fail. Some of these latter may doubtless be in their present condition due to their own fault, but it is a reasonable presumption that after ten years' trial and after 11,349 have definitely been cancelled or abandoned—38 per cent of this number admittedly due to their own fault—that a very large number of the incompetents have been weeded out, and that must look elsewhere for the cause of the situation. The economic weakness of the scheme has already been referred to and, when we know that the men certain or likely to fail have average loans of \$4,450, it is a reasonable conclusion that they are compelled to carry a load too great to be borne.

Now, what is to be done about it? We consider the situation serious. We are averse to making demands involving large expenditures which would inevitably benefit the successful as well as the unsuccessful—those who need no help as well as those who definitely need help. Yet, at the same time, we are impressed with the plight of these 4,785 men who are hovering on the brink of ruin. The situation is one worthy of the deepest consideration. Here, we have 4,785 men who, in youth, gave two, three and four years' service and who in an effort to retrieve the time lost overseas and to make themselves worthy citizens in permanent employment have given ten, eleven and twelve years' work contending not only with the usual trials of a farmer—frost, hail, rust, and drought—but with a staggering burden of debt. Now, with youth gone, with wives and children dependent, they face the loss of their present livelihood, a future of casual labour, and ultimate dependence. Already, we are burdened with the question of the unemployed. Are we to add nearly 5,000 more to these unemployed soldiers? We have struggled with the problem for years. We have had all kinds of palliatives, as I have indicated, yet the figures of salvage in each year—and which the Board might produce—are staggering. I refuse to believe that the Canadian soldier is so incompetent, so irresponsible, that he cannot make a success of farming. I know him generally as a resourceful, energetic, and dependable person. If he has failed, I cannot believe that the fault is with him. May it not be with the system?

In the first place, I ask is there proper co-operation between the Board and the settler? The basis of this scheme was co-operation, proper supervision. For the past two years, the Board's staff has been employed on revaluation, on British Family supervision, and collection. With the numbers available, they could not possibly exercise that supervision, give that friendly assistance so necessary to secure the welfare of the settler. In addition, the Board's staff—80 per cent of whom are returned men—have now given 8, 10, 12 years to this work. Their average age is now 44 years, and they are still temporary employees; no permanency, and no superannuation. Naturally, as soon as they see a chance they get out and the country loses the service of the men whom it has taken years to train. There are some 280 ex-service men in this work. They have given the best years of their lives to their country. We ask and suggest that they should immediately be given permanency that we may secure their services, and that the Board may be enabled to establish a proper system of supervision and assistance, and ensure that degree of co-operation between the Board and the settler which will give every possible chance to the man who is liable to fail. In this connection, we wish definitely to say that The Legion are strenuously opposed to any system which will turn the Board merely into a collection agency or a liquidating body. We recognize that the scheme has not been the success it was hoped for, but we do not think that the blame lies with the men; and to simply endeavour to salvage as much as possible from the wreck, would we consider, be absolutely cruel. The scheme, in our opinion, must be continued as it was begun—on a partnership basis—and every effort made to promote supervision and co-operation.

That is the first step, but we are still left with the old problem of how to stop the shrinkage, how to keep these men on the farms. We submit that we must now get down to fundamentals, admit this scheme to be unsound, and seek ways and means to make it sound. Remember that The Legion is not in favour of bonuses nor gratuities. We refuse to bonus indolence. We refuse to abet laziness, but we believe that somehow, some way, if this problem is tackled with understanding and with sympathy it should be solved.

We do not believe that The Legion is called upon to offer a solution. After all, we are only a body of ex-soldiers; we are not land and loan experts. Why should we assume to tell the Crown and the Board how to run their business? We say and the people of Western Canada say that there is a great soldier problem. Can the fact of popular sympathy be overlooked, when we remember that you have before you resolutions from the Legislative Assembly of Manitoba and the United Farmers of Alberta demanding total remission of interest? When you have before you a resolution of the Legislative Assembly of Saskatchewan praying for sympathetic consideration of these grievances? Such bodies do not pass resolutions lightly and without cause. The people of the West realize that there is a problem and sympathize with these men and demand relief. The Legion does not recommend remission of interest. We have had that before, and it was palliative not curative. We believe the difficulty requires drastic treatment. We have had placed before us certain recommendations. We do not feel qualified to endorse them. We submit them for your consideration.

First, reduction of interest and extended reamortization period: The figures quoted from the Bureau of Statistics of the United States of America in our report give the annual earnings of the farmers in that country over a period of ten years as $7\frac{1}{2}$ per cent on capital invested.

Until Mr. Bowler returns, I would like those figures taken with caution. I think that the actual figures are very much less than $7\frac{1}{2}$ per cent, but I take them as given to me. My information is that the actual figures are much more on the basis of what Mr. Payne told you this morning. How can a man whose debt is 140 per cent of the real value of his land pay 9 per cent and live?

If these figures are correct, it cannot be done. There may be some merit in the suggestion that this is a fundamental weakness of the scheme and, being recognized, the loss should be assumed.

Second, coupled with this is the necessary rearrangement of payments so as to reduce the annual burden. No expense attaches to this but we are totally opposed to any temporary respite by which payments are partially postponed for a limited period of time, fearing that at the expiration of that period the man will find himself with such an accumulated burden that he will lose heart and give up the struggle.

Third, when the accumulated debt is such that the man cannot possibly hope to overtake it, might he not be permitted to work on a rental basis based on the interest of the debt by crop share or otherwise with an option to purchase if he so desires? Payments made by way of rent to be applied on purchase price without payment of interest.

These are not recommendations nor demands. They are suggestions. Our submission is that the Board with their knowledge of the system, their knowledge of conditions, should be asked to submit some solution—fair alike to the State and to the man. If they fail to do so, then, perhaps, you, gentlemen, with your knowledge of conditions of agriculture and finance may be able to do so. We would assist so far as we can but, realizing our limitations, we do not venture to make any specific request other than that the problem must be considered.

Now, gentlemen, that is our submission of the main problem. I wish to refer to some reference made by Mr. Payne this morning, regarding the Canadian Pacific Railway. I find that I was misinformed and for your information I will give a statement of what the policy of the C.P.R. is on their land sales at present.

I have a communication which reads as follows:—

“Replying to your communication of April 28 concerning Canadian Pacific Railway land contracts, I interviewed the Supervisor of that Department and he outlined the new scheme adopted by the Company. He stated that under their new amortization scheme the settler pays down 7 per cent of the purchase price, then he has one year's free use of the land without any interest chargeable whatsoever, after which the balance of the principal will be amortized on an easy payment plan of thirty-four equal annual payments, which makes the second payment fall due two years after the purchase of the land, and which is figured on the basis of 7 per cent of the balance of the cost of the land.

For example, on a purchase of 160 acres costing say \$2,400, the down payment will be \$168 and the annual payments, commencing at the end of the second year, will be \$155.75. At the end of thirty-five years the settler gets clear title to the land, unless of course he wishes to pay sooner, which is his privilege. The rate of interest charged under this plan is 6 per cent. The above payment of principal and interest on the thirty-four amortization basis is an amount equal to the 7 per cent of the cost of the farm, less the cash payment made at the time of purchase.

This does not mean that the farmer pays 7 per cent for thirty-four years and then commences to pay the principal but this is wiped off by small payments each year and at the end of the period the purchaser has not only paid the interest but has cleared off the principal as well.”

That, gentlemen, concludes my main submission, and I will leave this problem now for your consideration.

The CHAIRMAN: I am sure we are very grateful to Judge Ross for the statement he has made. Now, if there are any questions or comments before Judge Ross retires, you may make them; otherwise we will hear Colonel Rattray, or

Major Ashton, who, I understand, have statements to make on their part, and perhaps some suggestions. But first, are there any more questions you would like to ask Judge Ross?

Mr. McPHERSON: There will be the opportunity on the details.

The CHAIRMAN: I think we can depend on the witnesses remaining. I do not think it would be wise to discuss any suggestions at the present time, and the witnesses will be available for a short time, in case we require their help.

Witness retired.

Colonel J. G. RATTRAY called.

The CHAIRMAN: Would you like to make a statement first?

The WITNESS: In the statement that I will make, I have no intention of making any recommendations because I do not think it is within the power of the Board to make recommendations, or to ask for certain things, because I think that prerogative belongs to the committee, and it is for the government to say what shall be. We are for the purpose of administering such acts as are put forward in connection with the Soldier Settlement Board, so that what I want to do is to place before you, as concisely as I can, what has taken place in regard to the Soldier Settlement Board, in the past; what is being done at the present time, and what is anticipated so far as the Board is concerned, under legislation that exists at the present time. As you well know, the Soldier Settlement Act of 1919 empowered the Soldier Settlement Board to advance certain sums of money to returned soldiers. There were something like 160,000 returned soldiers who asked to come under this Act. The reason I mention it is this: to show that the Act at that time, when it was put into force, was a kind of safety valve to the conditions that were existing subsequent to the war, and they felt that they always had the power to go and get a home on a piece of land if nothing else availed. They were trained in different places, and given certificates according to their qualifications for looking after land. They had the idea that if they could not get any other job they could take up land. Of this 160,000, some 31,000 did take up lands, of which about 6,000 of them took up homesteads and got no loans from the government, or through the Soldier Settlement Board. There are about 24,500 that took loans. Seventeen thousand some odd had lands bought for them. That is, they went out, selected the lands themselves, and then came to the Board and said "I want to buy a certain farm" and the Board bought that land after an appraisalment. The price fixed on that land was not fixed by the Board. There was an independent advisory committee, entirely independent of the Board, so they made the appraisalment, and they fixed the value of the land, then the Board made a loan to the soldier settler on the valuation that was placed on it by the independent advisory committee. Then there were others who got lands of their own, had the mortgages paid off, and secured further advances to stock and equip the farm. Others, again, who had gone and took up homesteads, came and got money from the Board for the purpose of putting up buildings, ploughing up some of their lands, and for stock and equipment. That was the condition as it was in 1919.

In buying stock and equipment they were supposed to pay in annual instalments, but the first two years it was interest free. Then the land was paid for on an amortization basis, of twenty-five years at five per cent. The conditions that prevailed after the war were such that the price of wheat went down; the price of cattle and stock of that kind went down, so that the load was too heavy for the settler to make his amortization payments on the farm, and pay the

amount for stock and equipment, with the result that the first legislation was passed in 1922. This legislation consolidated his debt and give him an interest free period of 1, 2, 3, or 4 years, depending on when he bought his land. If he bought previous to October, 1920, or 1921, he got two years; at least between 1920 and 1921 he got two years. Between 1919 and 1920 he got three years and previous to 1919 he got four years of interest free period. So that his stock and equipment that he got was two years free previous to that, and four years free after that, for purchases made prior to 1919, and two and three years interest free if purchased at the other dates I have mentioned, he would have anyway four years interest free for whatever stock he bought. I just bring these things out to show under what conditions the settler got his loans.

Then, in 1925 it was discovered that the stock that he got was bought at the big prices of 1919 and 1920, so he was given a 20 per cent reduction on his stock, purchased in 1920, and 40 per cent production if purchased in 1919. It works this way; if a man bought a cow for \$100 in 1919, in 1925 he got a 25 per cent stock reduction, bringing it down to \$60, and interest free for six years. Then, starting with the payments of what is known as principal, he paid one-twenty-fifth of his total indebtedness, as at the first of October, 1922, so that for this cow he would be paying about \$2.40 a year, and was given at least twenty-five years to pay for it. That is the second reduction, the stock reduction, and that includes a loss of actual cash, of something like \$2,900,000. Then, in 1927 the revaluation was passed. There has been a good deal said about the revaluation, and those connected with its work. However, I may mention the way that was carried out, has resulted in practically a 24 per cent reduction throughout Canada, on the purchase price of the land, and this was credited to the settler as at the first of October, 1925. If his revaluation was not credited to him until the 1st of October, 1929, he got credit for the interest from October 1st, 1925, to 1929, on that amount of money, so that you can see from this so far as the land is concerned, on the amount of his revaluation he has paid no interest whatever, from the 1st of October, 1922. That is, he got interest free for four years, and then he gets a rebate up to 1925, which was credited to him. That is the situation as it is at the present time, with regard to those who have had revaluation adjusted.

Now, the question might be asked as to how they have been getting on with regard to paying off their loans. There have been, out of our twenty-four thousand some odd settlers, 1,537 loans that have been paid in cash by actual settlers; 553 loans have been paid by soldier settlers selling the land, and repaying the amount to the Soldier Settlement Board for the purchase of the land. Of the lands abandoned by the settlers, 67 have been sold for cash and the number sold on time is 1,234, so that so far as the soldier settler is concerned, as far as our accounts are concerned, they show, 3,391 soldier settler accounts have been cleaned up in full. Of the total civilian loans, 463 have been paid in cash. With those, what we call time sales, I should say that the fault has not been with the land or has not been lack of stock and equipment or anything of that kind, but rather because of the management of the man himself. As you know, the Board cannot make a profit on any land it sells. If it sells a piece of land and there is a profit on it, that profit goes to the settler for whom the land was originally purchased. There is a credit balance due on tripartite sales, that is sales that have been made to others, the total credit balance amounting to \$182,127. Of the 1,234 pieces of land that we have sold for as much as, or more than the settler's indebtedness, there is a credit balance due the settlers of \$309,207, or, in other words, we have been able to sell some of these farms that were abandoned by the settlers, for more money than they owed us, and which will be paid to the settlers when we receive the full amount of that \$309,000. The total amount that we are returning to the settlers for profit that we have made for them on the sales of these lands will be \$647,000.

Mr. McLEAN (Melfort): Is it possible that part of that would be due to the fact that you have crown lands for which you paid nothing?

The WITNESS: Some of it is in that.

Mr. McLEAN (Melfort): And stock and equipment?

The WITNESS: Yes.

The CHAIRMAN: Is that keeping the price for which you sold in relation to the original price? When you say the difference between their indebtedness and the amount for which you sold, you must remember there is the 10 per cent that was paid by the settler, and whatever payments he has been able to make. In order to get the value of the land, you would have to compare the actual total purchase price in the first instance, and not the amount of their indebtedness. There is the 10 per cent and any payments to be deducted from that.

The WITNESS: With regard to nearly all these lands which have been returned to the Board by the settler, he has found himself in a hopeless position and either signed a quit claim or we have served notice of cancellation.

The CHAIRMAN: Has the land been sold for as high a price as the original purchase, or was it sold at a price greater than the remaining indebtedness.

Mr. BARBER: Are you taking into consideration the amount the soldier settler has already paid?

The WITNESS: I would not say that has been taken into consideration, but generally, I would say that the price at which the land sold was greater than the price he originally paid for it.

The CHAIRMAN: Greater than the original price, including his 10 per cent?

The WITNESS: Yes.

The CHAIRMAN: Could you give us a statement covering this?

The WITNESS: We would have to go through every individual case.

Mr. EGAN: Have you never put it together?

The WITNESS: No.

Mr. EGAN: May I interject this, to Colonel Rattray? Is it not a fact that the greater percentage of those who obtained loans had some knowledge of the land before they went overseas?

The WITNESS: Out of the 160,000 who applied and who went to the different places to get their qualification certificates, and who finally went on the land, it would be those who had land experience or land contact before going overseas. I would not give a percentage definitely, but I would say from one-third to two-thirds of the land that was sold was by fathers to their sons, or by uncles to nephews.

Mr. EGAN: That is the actual land owners?

The WITNESS: Yes.

Mr. McPHERSON: You spoke of crown grants.

The WITNESS: Yes.

Mr. McPHERSON: If a soldier took up a crown grant, what did you advance him?

The WITNESS: We advanced him up to \$2,500, \$1,000 for buildings, and \$1,500 for stock and equipment.

Mr. McPHERSON: In the case of land being sold for more than he paid for it, what would he get?

The WITNESS: He would be entitled to receive the full amount of money if he had put that much improvements on it by his own work; that is, if he had obtained title in the meantime.

Mr. McPHERSON: The point I wish to clear up is this: your figures would indicate that on soldier lands repossessed and sold, they produced more than you gave for it.

The WITNESS: Total soldier settler loans, repaid, \$3,391.

Mr. GERSHAW: Does that include the improvements put on in the meantime?

The WITNESS: The farm, as it stood when we wanted to sell.

Mr. GERSHAW: It is rather surprising that you were able to sell after the soldier had been dispossessed.

The WITNESS: There is a reason for that, and I will make this statement: those who live in the west know that there is what may be called a movement in the value of land. That is, in certain districts we know they may go bad in the matter of crop, and after five or six years they come back. An example of that is southern Alberta, where, for two years they have had good crops, while another example is in the central part of the province, where formerly they have had good crops for the last seven or eight years they were a failure last year. I know that in 1925 we were buying out quarter-sections in central Saskatchewan for about \$100 each, but later that land, when they had a good crop, began to be sold for \$10, \$15, and \$20 an acre. Take southern Saskatchewan at the present time; the first crop failure they ever had was last year, and I suppose it would be rather difficult to sell a farm there. In Manitoba it has been the same way. My experience, having travelled through the west as a loan inspector, has been that you cannot say any district is bad, but some people who do not understand the circumstances, do not stay with it, and they leave. What I refer to is the poor crops, due to weather changes and climatic changes, and at times the land is not considered worth as much, and later on you may be able to get a much higher price per acre for it. In that way we have been able to make money on our sales.

Mr. McLEAN (Melfort): There is a good deal in that.

The WITNESS: It is only natural that so many soldiers' grants, having \$3,000 equity and a charge against the stock and equipment. It is only natural if he has done anything on it, and it is in a district where a railroad has been built, that the land will be worked more to-day, apart from the stock and equipment, because there is no investment in the land at all.

The CHAIRMAN: I suppose, Colonel Rattray, you can hardly judge whether or not the total land is going to be sold at a profit or loss until all the sales are made. The better land may have been sold first, and that remaining, no good.

The WITNESS: No, there is going to be a loss on our land.

Mr. McLEAN (Melfort): I hope you do not sell the best land first.

Mr. McPHERSON: It is the other way; they picked the worst land first.

Mr. EGAN: When the land was vacated it was for certain reasons, and under the conditions the Board hung on to it.

Mr. McPHERSON: I object to the words "hung on". They were forced to retain.

The CHAIRMAN: They held the land for a rise in price, because they thought the depression was only temporary, which was perfectly sound, of course. I mentioned the question of tripartite sale. That is, any settler, if he wants to, can sell his land, but the Board has to be a consenting party to that sale. Of course it does not relieve the settler of the obligation under his covenants, but he may sell it, and make a profit out of it.

The CHAIRMAN: You got as far as covering those men who were paid in full.

The WITNESS: I am just mentioning the conditions as they are at the present time. The question has been raised as to the number of classifications of soldier settlers, that is, we grade them 1, 2, 3 and 4 at the present time. There was a

survey made last winter and as it stands, there are about 7,400 in grades 1 and 2, and that represents about 62 per cent of the number that we have on the land at the present time.

Mr. McPHERSON: Does it also represent the number of settlers the Board think will succeed under present conditions?

The WITNESS: There is no reason why they could not succeed, because their average loan is \$2,950, and I am convinced that \$2,950 is less than 50 per cent of their assets. By the reductions that we have given them in revaluation, also the improvements that they have put on the land, the increase in their stock and equipment that has taken place during all these years, if their farm was valued to-day, also their stock and equipment and other assets, their principal indebtedness to the Board would be less than 50 per cent of their total indebtedness.

Mr. BARBER: Is that why you put them in grades 1 and 2?

The WITNESS: It would be grades 1 and 2 because their account is always in good standing. Something may have happened this year and they may be one year in arrears, but we put them in those grades. Then grade 3 is the settler who, subject to climatic conditions, just as I have stated, his district may have gone bad through frost, hail or something; otherwise it is a good district, but he is not able to make his payments for two or three years. It is not his fault; he is a good farmer, but through climatic conditions he is not able to make his payments, and we classify him as a class 3 farmer.

In class 4 there are 1,600—not quite that many now. They are a class of people who have a strange psychology, if you permit me to use that word, with regard to their obligation to the government. One idea they have is that they fought for the government and that the government owes them a living. Another is that they are not farmers who have made a success of it; because they did not like it, I may put it that way.

Mr. McPHERSON: Not fitted for it.

The WITNESS: Not fitted, yes, and they are the ones that are giving us the greatest amount of trouble.

Mr. McPHERSON: Before you leave that, this 1,600, then, in the Board's estimation are liable to fail.

The WITNESS: Liable to fail.

Mr. McPHERSON: The others may pull through.

The WITNESS: I do not think all those will fail.

Mr. McPHERSON: Those are the ones you consider under all your contracts outstanding are likely to fail.

The WITNESS: Yes.

Mr. BARBER: Are those all through Canada, or just confined to one spot?

The WITNESS: All through Canada.

The CHAIRMAN: Would you consider, Colonel, that the history of those in grade 3 would show any likelihood of success, or are they rather doubtful at the present time?

The WITNESS: As far as their personal attitude towards the farm is concerned, they should make a success; they are willing.

Mr. McPHERSON: It is a matter of climatic condition.

The WITNESS: It is a matter of climatic condition; if things go bad and stay bad they cannot come through, but we know from the history of Canada from one end to the other that conditions change very, very rapidly.

Mr. McLEAN (Melfort): There must be more than climatic conditions when these cases are spread all over Canada, as you said a moment ago.

The WITNESS: I could give details of that. Take the Maritime potato crop; two years ago they could not get anything for their potatoes; about 25 cents a barrel, and they are getting \$2.50 a barrel for this year's crop.

Mr. McLEAN (Melfort): That is more important than climatic conditions, because there are as many succeeding all over Canada as those who are failing.

The CHAIRMAN: There are a good many factors that enter into it. What is the average indebtedness of those classes?

The WITNESS: You know perfectly well that in a district where there are fifty or sixty settlers, a hail storm may come and cut down ten of them, so that local conditions sometimes prevail.

Mr. McPHERSON: Would it be fair to put it this way: these men have got into arrears through climatic conditions, because I assume they are in arrears more than two years.

The WITNESS: Yes, an analysis of those cases would show that your statement is practically correct.

Mr. BARBER: That is not including class 4.

The WITNESS: No, not class 4.

The CHAIRMAN: You gave the average for classes 1 and 2. We would like the average indebtedness of the other two classes because that may have had something to do with those classes.

The WITNESS: \$3,700 is the average indebtedness.

The CHAIRMAN: That is class 3.

Mr. McLEAN (Melfort): As a result of their being in the lower class, it is not because they had the higher indebtedness.

The WITNESS: Because they are two or three years in arrears.

Mr. McLEAN (Melfort): Yes, and the other classes, 1 and 2, have been making their payments.

The WITNESS: Yes.

The CHAIRMAN: What is the average indebtedness of grade 4?

The WITNESS: \$4,400.

Mr. McPHERSON: You take a man whose indebtedness is \$2,500, and for four years he has not paid taxes and interest; he is going to be at the end of that time, around your figure of \$4,000.

The WITNESS: That is, class 4 people are those who have not, in some cases, paid enough to cover taxes for the last ten years.

Mr. BARBER: What percentage of the settlers are in class 4?

The WITNESS: There are 1,622, about 13 per cent.

The CHAIRMAN: Then there is another point; in estimating the average indebtedness included in all those classes, I assume there will be a number who only receive stock, equipment and improvement loans included in all those classes.

The WITNESS: Oh, yes.

The CHAIRMAN: Which would cut down the average so that the actual average of the personally purchased farms would be higher than those figures you give. I have an estimate here but I would prefer that you give it as from the Board.

The WITNESS: It cannot affect it very much because of the 24,000 who got loans; 17,715 were purchased farms, 2,522 were advanced to privately owned farms; that is, over 20,000 of these places were purchased farms, so the 4,254 would be divided up among the 4 grades and it will not affect the percentage very much.

The CHAIRMAN: That figure will have to be considerably increased.

The WITNESS: I would not say considerably increased.

Mr. McPHERSON: I do not know, Mr. Chairman, that there would be a very great increase. When talking of lands that have been repossessed, a lot of them were crown lands, and if they are off there could not be as much in them as in the undisposed of one. The percentage should be very small, I think.

The WITNESS: The percentage difference would be very small, when you compare it, because only one out of every six farms were homestead farms. There is another thing that I think the committee should know and that is the effect of amortization of payments. In 1922, as I have stated, they got four years' interest free, and then the balance was amortized over twenty-one years at 5 per cent. I will take it on the basis of \$1,000. If it was a straight amortization plan, the payment would be \$70.95 per annum. Of this, 70 per cent would be applied on interest, and 30 per cent would be applied on principal, the first year. On the tenth year 54 per cent would be applied on principal, and on the 13th year 40 per cent of it is interest and 53 per cent applied on principal. That is, when the loan is about half paid, more than half of the annual payment is applied on principal. With the four years interest free period, the annual payment is \$64.19; that is on every thousand dollars, and the rate of interest is the same, that is on the first year he paid \$64.19, 70 per cent of that is applied on interest, and 30 per cent on principal; the tenth year 54 per cent interest, and 46 per cent on principal; the thirteenth year, 47 per cent interest and 53 per cent on principal. I mention this just to show the committee that the first six or seven or eight years that man pays the greater part of his payment or the bigger percentage is payment of interest. After he gets to the twelfth year he is reducing the principal very rapidly. The suggestion has been made that the interest should be reduced, and the term should be extended. Judge Ross brought that question up. When you give a new rate of interest for amortization over another period, you start the settler off again under the same disability of having to pay the larger percentage of interest during the first twelve or fifteen years of the lengthened period. As I have said, there are 7,400 settlers who are paying up and their amortization ends in 1946; the present amortization period ends in 1946. I started to mention a moment ago the survey that we had made last fall as to these settlers being released from a certain amount of their payments. The decision arrived at at that time was that in the lower grade settlers, that is, three and four, we should only ask for interest for a stated term of years, deferring the payment of principal and the settler to have the option at any time of paying anything on the principal, should conditions arise that he could do so. At the end of five years, when the question was reconsidered, or whatever term, if it was necessary, we defer payments and the interest. The contention that I make, I think it is fair, and I think it is sound, is that in 1946 a soldier is going to find himself in this condition. 1946 is when our amortization is due. His land is either going to be worth more, worth as much, or worth less than his indebtedness at the present time.

Mr. McPHERSON: At the present time, or in 1946.

The WITNESS: I am talking about his indebtedness at the present time. In 1946, his land, if he had done anything on it, is worth more, and he has two options. He can sell and take his profit or enter into a new agreement for whatever length of time that the government would like to give. If it is worth an equal price to what it is at the present time, let him go on with the agreement, but if it is worth less than it is at the present time why ask him to pay for it. If he has a piece of property worth \$4,000 and he keeps it up, making the payments of interest and in the end it is only worth \$3,000, why ask him to pay for it? I

would say let the government or the board take the loss at that time. He has had the use of the money and it is simply an investment on a 5 per cent basis. He has made a living in the meantime and we have not asked him to pay something which he knows it is not worth at the present time.

Mr. McLEAN (Melfort): You heard General Ross this morning?

The WITNESS: Yes.

Mr. McLEAN (Melfort): Do you not think that the mental attitude of the man between now and 1946 would have a good deal to do in determining whether his land is worth more or less?

The WITNESS: The land is going to be worth more or less, according to the prosperity the country is going to enjoy, and I am one who has faith in the agriculture of Canada.

Mr. McLEAN (Melfort): So have I, but the general situation of the thing will have a good deal to do with the value of the land.

The WITNESS: Yes, the way he handles it.

Mr. BARBER: He realizes all the time that the debt is piling up.

The WITNESS: No, the interest and the principal will have to be paid, but at the end of 1946, if that place is not worth the amount of the principal, why should he pay for it?

Mr. GERSHAW: What is the rate of interest he is paying?

The WITNESS: Five per cent.

Mr. McPHERSON: That only means a difference of one dollar and forty cents a hundred, per year. Your figures show \$6.40 a hundred, in order to pay it off at the end of twenty-one years.

The WITNESS: \$64.19.

Mr. McPHERSON: That is a thousand: I just brought it down to 6.4 per cent.

The WITNESS: Yes.

Mr. McPHERSON: To pay it all off, by 1946.

The WITNESS: Yes.

Mr. McPHERSON: And for the sake of being relieved of \$1.40 per hundred, he is going to have his debt still standing. Do you not think the encouragement is worth more than \$1.40 a hundred to know that it is being wiped off?

The WITNESS: He knows when it is wiped off, he has paid maybe \$4,000 for a piece of property that is only worth \$3,000.

Mr. McPHERSON: We will assume he wants to keep the land, he is going to pay \$500 per year.

The CHAIRMAN: He has to pay interest until 1946.

The WITNESS: Yes.

The CHAIRMAN: And then he is going to be exactly where he is today as far as his debt is concerned.

The WITNESS: Yes.

Mr. McPHERSON: There is quite a lot of psychology talk around this committee; it is more psychology than business. Do you not think that the psychology works the other way; it is only a dollar a month?

The WITNESS: You are looking at it on the basis of a dollar down and a dollar a month. Suppose a man owes \$4,000.

Mr. McPHERSON: I am looking at the mental attitude, the advantage of knowing that year by year he is making progress, and that might be worth more than merely the relief of that small payment.

The WITNESS: If he owes us \$4,000, his payment would be \$262, and if we charge 5 per cent interest, it would be \$200. The difference would be \$62 a year less, and with that money, even if it was only \$62 less, he can put that into his farm and improve it.

Mr. McLEAN (Melfort): Is there not the danger that if he does not have to do it, does not have to reduce his indebtedness, he will find himself in 1946, at the average age of sixty, owing the same amount?

The WITNESS: Yes, but how old will he be if you give him thirty-five years?

Mr. McPHERSON: He may never reach that age, but is happier while getting there.

Mr. McLEAN (Melfort): There are other conditions as well.

The WITNESS: The first twelve years he pays more interest than principal. I want to state there is an anomaly there that is pretty hard to understand. If we extend the period to thirty-five years, at 3 per cent, the loss to the Dominion government would be \$19,000,000. That is, if we lower the interest rate from 5 per cent to 3 per cent, and yet the soldier would pay nearly \$5,000,000 more in interest.

Mr. McPHERSON: He pays that because he has the use of the money.

The WITNESS: In that length of time.

Mr. McPHERSON: I am not expressing an opinion; I want to get the idea. Do you not think that if you relieve him of the principal payment, it is poor business. Take a man who puts money in life insurance and pays a small premium each year. He fights hard to keep it up, and if you said "You do not have to pay it all, you can pay it a dollar a month," he will never do it.

The WITNESS: Yes.

Mr. McPHERSON: He wants to struggle to pay the premium and it is not a case of making these men struggle, it is a case of making them help themselves, and I am inclined to think, while it may be a harder struggle at first, that it might be much better for them.

Colonel RATTRAY: I am not making any recommendation; I am placing before the committee the different plans and schemes that might be worked out.

Mr. McLEAN (Melfort): Are you going to give us all this information? Can you tell what is the capital indebtedness of the soldier settlers remaining on the land at the present time?

The WITNESS: \$38,000,000.

Mr. McLEAN (Melfort): Which is bearing the rate of 5 per cent.

The WITNESS: I think my figures are correct there.

Mr. McLEAN (Melfort): Does that include their stock and equipment?

The WITNESS: I think so.

Mr. McLEAN (Melfort): What is the total number of contracts outstanding?

The WITNESS: I will not be sure of that.

Major ASHTON: The figures that the audit board gave are here, \$46,000,000.

Mr. McLEAN (Melfort): Is that stock and equipment?

Major ASHTON: The guarantees.

Mr. McPHERSON: \$46,286,686.79, current loans, soldier settlers.

The WITNESS: They have asked \$10,000,000 to be written off that. No, not off the \$46,000,000; that is right.

Mr. McPHERSON: Why do you distinguish between soldier settler and Indian soldier settler

The WITNESS: Because the Indian soldier settler is handled by the Department of Indian Affairs.

Mr. McPHERSON: Do they advance the money?

The WITNESS: No, we advance the money and they administer it.

Mr. McPHERSON: So that should be added to the \$46,000,000.

The WITNESS: Yes.

Mr. McPHERSON: That only makes \$46,500,000 roughly.

The WITNESS: Yes. Under the existing contracts at 5 per cent the interest would amount to \$57,711,000.

Mr. McPHERSON: Are you adding something in connection with British families?

The WITNESS: Grades 1, 2, 3 and 4.

Mr. McPHERSON: That is all soldier settlers.

The WITNESS: If there was no interest added, and they paid it in seventeen instalments, we recover \$38,307,998.

Mr. McLEAN (Melfort): I wonder if you could tell us what proportion the original investment bears, as compared to the original number of men who are still on the land?

The WITNESS: The original investment was one hundred and twelve million, some odd.

Mr. McLEAN (Melfort): And the number of men on the land?

The WITNESS: Number of soldier settlers, 12,007.

Mr. McLEAN (Melfort): As against how many originally?

The WITNESS: 24,454.

Mr. McLEAN (Melfort) 50 per cent of the men, and a little less than 50 per cent of the indebtedness.

The WITNESS: Yes.

Mr. BARBER: There has been an amount written off?

The WITNESS: Yes, there was an amount written off on revaluation and we have paid into the treasury \$44,000,000.

Mr. McLEAN (Melfort): Yes.

The WITNESS: And of that—I have not the figures here—I think there is some of that \$28,000,000 as principal.

Mr. McLEAN (Melfort): What I want to get is the average of the men now.

The CHAIRMAN: What proportion of principal has been paid off by the men. It would seem quite a small proportion, judging by the figures.

Mr. McLEAN (Melfort): Yes.

The CHAIRMAN: I worked it out as follows: Carrying it on the existing contract, covering seventeen years at 5 per cent interest, on a \$4,000 loan, a man would have paid at the end of that period, \$6,136. In thirty-four years, double the time, at three per cent, he would have paid \$6,436.40, so that he would have paid \$400 more money in twice the time.

The WITNESS: Yes.

Mr. BARBER: That is interest alone.

The CHAIRMAN: No, it is payment of interest and principal, carrying it seventeen years at the rate of 5 per cent interest, on \$4,000, paying up in full each year, he would have paid for that \$4,000 in seventeen years, \$6,136. If it were changed to thirty-four years at 3 per cent he would have paid at the end of that time, \$6,436. He would have paid exactly \$400 more for the privilege of carrying it over twice the time.

The WITNESS: The question of revaluation has been mentioned, and the full effects of revaluation, of course, are not seen because all the accounts so far, have not been credited with their revaluation. As already stated, there were 10,697 eligible to apply for revaluation; 8,344 applied, and 187 withdrew their applications, so that leaves 8,157 that were given revaluation. Of this number up to the 30th of April, on 8,118 the field work had been done, so it only leaves somewhere about forty to finish this spring. Of those cases, 7,543 have been agreed to by the Board, that is, Major Ashton and I have considered them and signed our final awards. The total of the selling price to the settler of the amount of revaluation so far given is \$28,506,486. The awards already given amount to \$6,860,693, and we estimate that there will be about \$600,000 more to be given. Out of the number as at the 30th of April, out of the 7,543, 6,015 have signed their consent to the award, 1,528 have not signed their consent, and there were 328 appeals. Eight of these have been withdrawn; one hundred and sixty of them have been dismissed, and out of three hundred and twenty appeals heard, twenty-three have had judgment given for the appellant in the Exchequer Court. There are one hundred and twenty-nine live appeals still pending. Until all those appeals are heard, and the credit allowed to the settler, with regard to the amount of his appeal, and credit of interest from October 1st, 1925 until he gets his credit, then his payments will be re-amortized over the balance of the term of his loan. It has been mentioned by Judge Ross that the amount of payment after re-amortization was greater than the original amount. It was explained why this was so, because he had allowed himself to get in arrears for more than his appeal, and that was a situation that arose which gave us some concern last fall, and that is why we decided to give these people a chance to try to catch up by asking them for an interest payment, just for a stated number of years. You talk about psychology, we have got some letters from our settlers on these terms being given to them, and they have been exceedingly grateful that a consideration of this kind was given, especially to the grade 3 settler, who, as I have stated, are willing workers, willing to work, but conditions of affairs, sickness, weather and climatic conditions, have been against them, so we had to give them a chance for 2, 3, 4 or 5 years. These things have put new ambition in them, and they see that the Board is going to treat them fairly, so they immediately start up again.

Mr. McPHERSON: Can you give us an idea of the number of appeals that would be possible if the time limit was taken off?

The WITNESS: I have not any idea. I may say that if they were, that would open up very dangerous ground, because they would not be satisfied. We had a number in 1927, and we had a number in the spring of 1928. You take southern Saskatchewan and other places that had poor crops. They would all want to come in for reappraisal.

Mr. McPHERSON; No, no, it is appealing against your appraisal.

The WITNESS: But they would bring further evidence as to the value of the land at the present time, and not at the date of the appraisal.

Mr. McLEAN (Melfort): The land is not worth that money to-day.

The WITNESS: Are you going to have a sliding scale?

Mr. McLEAN (Melfort): No.

Mr. McPHERSON: They have to take the value at the same time as the other men.

The WITNESS: If they have a good crop for a number of years, would they be willing to say the farm was worth more money?

Mr. McLEAN (Melfort): Under certain circumstances it would be worth more money. Undoubtedly, when they signed the acceptance, the conditions were worse, or they may have neglected to appeal through lack of knowledge on their part, and the number of potential appellants would be limited to those.

Mr. McPHERSON: Those who did not appeal; and the land was still owned by the Board.

Mr. McLEAN (Melfort): And the appeal for revaluation.

The CHAIRMAN: Those who express dissatisfaction with the award of the Board.

Mr. McPHERSON: I was wondering what number was possible, unless it was considerable, I do not know that it would be advisable to reopen the whole question.

The WITNESS: The statement is made, and I must say something about it, because I think it is unfair to say that undue pressure has been put on the settler to get him to sign his award. Now, I have investigated a good many of these, and have made inquiries. From the inquiries that I have made, I have not found a case where it could be definitely proved that undue influence was used on the man to have him sign his award. Major Ashton has had a good deal to do with revaluation right from the start, and the work of revaluation. In connection with the Exchequer Court, it was and still is the desire of the Board, and also the judge, that that court should be as informal as possible, and that every assistance should be given to enable the man to have his case properly before the judge. I think I would be unfair to the staff of field appraisers if I allowed the statement to go unchallenged, that they had used undue influence to have settlers sign their awards, because of the great expense that it was going to cost them to carry out the appeal. I say this because everyone of the field appraisers are returned men; they know the disposition of the returned men, and their sympathies are that way. I have not found in any case brought to my notice—where I have made inquiry—that undue influence was used to make them sign.

Mr. EGAN: It was hardly undue influence but that they had been induced, and one might, in all good faith, advise a man but not use any undue influence. It was to his benefit to carry along on certain lines. I do not know where you get the evidence that he was unduly influenced; I can understand a man can be induced quite honestly.

The CHAIRMAN: There was a letter sent out by the solicitor accompanying the notice, which stated the course to open the appeal to the Exchequer Court, and there was also in it the expression of fact that the Board might, in its discretion, award costs against the appellant.

The WITNESS: That is the Exchequer Court rule.

The CHAIRMAN: The Exchequer Court might assess costs against the unsuccessful settler appellant. That was contained in the solicitor's letter which I understand accompanied each award, and which indicated his course of action. That he could appeal to the Exchequer Court, but it was a matter in the discretion of that court to assess the costs of the appeal against the settler.

Major ASHTON: Not the Board's costs.

The CHAIRMAN: The letter was not specific. I had a number of letters that I received from all over Canada, asking me what the costs would be. I carried on a large correspondence and in the end sent out over the Minister's signature, a letter as to the limits of the possible costs. A great many had considerable misapprehension as to what the costs would be until that statement was made public, and they were notified that the costs would not include more than their own cost.

Major ASHTON: That was a statement made public at least a month before any appeal was heard, and I think it was published broadly.

The CHAIRMAN: It was published in May.

Mr. McLEAN (Melfort): But in the meantime, many acceptances had been received. I do not agree with Colonel Rattray altogether. I am satisfied that the officials were honest and sincere, and used their best judgment, nevertheless, many settlers were ignorant of the way the appeal was heard by the Exchequer Court, and while the Exchequer Court proceedings were most informal, a man could state his own case with his neighbour or local solicitor, and he could get good results; he did not know it at the time he accepted the award or appraisal, whatever it might be.

The CHAIRMAN: I know the letters came to me about the possible amount of the costs, and it was not until May that the Minister's letter was published, stating the limitation of the possible costs. During that time there were a great number, but I can only speak definitely of the few that came to me—I do know that there were a number who accepted the award because they were under misapprehension as to costs.

Mr. EGAN: How many appeals were made to the Exchequer Court? I think you gave the figures; and how many received reductions in the award by the Board? How many agreed to the arrangement?

Mr. McLEAN (Melfort): None would be increased.

The WITNESS: Yes, there was one award increased. The Exchequer Court judge increased one award.

Mr. McLEAN (Melfort): But he did not increase the sum owing by the settler.

Major ASHTON: You said, "increased"; you meant decreased.

The WITNESS: Yes, decreased the award by nearly five hundred dollars. But of the 183 cases that have been tried, 23 decisions were given against our award, and the other 160 were dismissed. We have only 23 decisions against our awards.

Major ASHTON: You have to add to that 23 cases a higher award than we gave, those agreed to between the Board and the settler prior to that.

The WITNESS: Yes.

Mr. McLEAN (Melfort): That would be quite a substantial number; those that appealed and afterwards came to settlement.

General Ross: 141.

The WITNESS: No, there are only 129 live appeals at the present time.

Mr. MACFARLANE: 129 at the present time, well I took it down that there 1,500 appeals made.

The WITNESS: No, 1,500 did not consent. If a fellow got a bad award, he said, "why should I sign something that is not satisfactory?" He allowed the award but did not sign his consent.

Mr. McPHERSON: Then you would pass it through because he did not appeal?

The WITNESS: It passed through as an award.

Mr. McLEAN (Melfort): By the passage of time.

The WITNESS: Because he did not appeal.

Mr. McLEAN (Melfort): 183 have been heard.

The WITNESS: Yes.

Mr. McLEAN (Melfort): 23 have been granted.

The WITNESS: 23 judgments for the appellants.

Mr. McLEAN (Melfort): 160 have been refused.

The WITNESS: They were dismissed.

Mr. McLEAN (Melfort): Do you think the figures given this morning are correct, 141 higher awards negotiated in the meantime?

The WITNESS: I do not think it was 141 cases. I do not know where he gets those figures.

Mr. McLEAN (Melfort): A good deal of doubt was in the mind of the soldier settler and others, as to what the Exchequer Court would do. In the province of Saskatchewan it was expected that the court would sit in Regina, and the settler would have to go there. It was not known that the court would be travelling around, would go to Prince Albert, where it was much easier for the settler to go and prepare his case. The doubt as to the costs was a factor in the minds of many, who had accepted awards, and the fact that the notice given a month before the appeals were heard, was not very much good because they had signed over before that time.

The WITNESS: Do not get away with the idea that the Board had the settling of the rules of procedure.

Mr. McLEAN (Melfort): No, the Exchequer Court had all to do with that.

Mr. McPHERSON: If a man gets a letter from a lawyer that states "your case is so and so, if you want to dispute it you can do so, but you may have to pay the costs of the appeal;" The average costs of appeals to the Exchequer Court might run up to hundreds of dollars, and it might scare him.

The CHAIRMAN: That did scare them.

The WITNESS: When we sent the award, we sent a letter telling him what he could do.

The committee adjourned until 11 a.m., Friday, May 16, 1930.

MINUTES OF EVIDENCE

COMMITTEE ROOM 368,
HOUSE OF COMMONS,
FRIDAY, May 16, 1930.

The Sub-committee of the Special Committee on Pensions and Returned Soldiers' Problems met at 11 a.m., the Chairman, Mr. Speakman, presiding.

The CHAIRMAN: When the Committee rose last night Colonel Rattray was completing his evidence. I hardly think he was through.

JOHN G. RATTRAY, recalled.

The CHAIRMAN: You will all understand that it is getting near the end of the session, and we will have to boil things down as much as possible in order to get through.

Colonel RATTRAY: Mr. Chairman, when the meeting was adjourned last night I was discussing certain phases of the work as far as the Soldiers Settlement Board is concerned, for the purpose of placing before the Committee, as I said, the work of the board so that they could formulate their recommendations on what was submitted to them.

I would like to point out a few things in connection with what has already been done. One of these is that \$26,000,000 of the principal indebtedness has already been written off, or provision made for the writing of it off.

Major ASHTON: \$16,000,000. \$10,000,000 of it is interest.

Colonel RATTRAY: \$36,000,000 altogether including interest. And I pointed out yesterday that a further reduction of 3 per cent would mean a further writing off of \$19,000,000 of interest. Put into individual figures it means that on the original settlers there has been written off on their behalf \$1,500, and on the settlers now remaining a further concession of \$19,000,000 would mean \$1,600 on their behalf, or for the present settlers it would mean a writing off of \$3,000 per settler in connection with the settlers as they now stand.

Mr. ADSHEAD: Sixteen and fifteen make thirty-one.

Colonel RATTRAY: Yes. 62 per cent of our settlers at the present time have what I consider a 50 per cent equity in their assets. And I want to point this out, because it might lead to conflict and discussion, that the Farm Loans Board are authorized to loan money up to 50 per cent on lands, and they are empowered to charge $6\frac{1}{2}$ per cent, so that it might lead to somewhat of a conflict, as a business proposition, to say that 60 per cent of the soldier settlers who had a 50 per cent equity were only to pay 3 per cent whereas the Farm Loans Board is charging $6\frac{1}{2}$ per cent; any of our returned soldiers who went to the Farm Loans Board and borrowed money would have to pay $6\frac{1}{2}$ per cent. I am pointing that out so that that can receive your consideration.

The point has been brought up as to the state of agriculture in our states, and certain percentages have been given. You would have to be very careful in accepting those figures until we knew just exactly how they were arrived at, what was included before the percentage was come to, and we would need full explanation before we accepted them. We would have to know just exactly how they arrived at those figures. The Board is in the employ of a government whose principal industry is agriculture, and I must say that I protest against any criticism that may be levelled at our agricultural prosperity, because our

railway companies, and certain departments of our government are advertising all over the world the possibilities of agriculture in Canada, and if the Board were to say that they agreed with the proposition that our agricultural industries were practically in a state of insolvency they would certainly be making a statement that would not be very effective, and which at the same time would be a severe criticism of our many loan companies with their millions of dollars, and, more than that, of our life insurance companies who have millions of dollars invested at 7 per cent and 8 per cent throughout Canada, and to say that our agriculture does not produce that much is an inference that those people are investing their money in a concern that is not solvent. Also the Board is administering the 3,000 British family scheme, who came out to this country practically on the same basis as a soldier settler, that is he has his land indebtedness, and his stock and equipment indebtedness, and that is at 5 per cent. And if we admit that the soldier settler cannot pay 5 per cent but only can pay 3 per cent, then Canada is doing an injustice to these other people in getting them to come out to this country. These are deductions, I think, that can be properly made.

Referring to Canadian agriculture, I would just like to state that the agricultural wealth of Canada in 1928 was \$8,027,000,000 and some odd thousand. The agricultural wealth of Canada in 1923 was \$7,400,000,000, or an increase of \$606,000,000.

In 1928 the total agricultural revenue for Canada was \$1,755,000,000; and in 1923 the total agricultural revenue was \$1,397,000,000; or an increase of \$358,000,000.

Mr. ADSHEAD: That is the total volume?

The WITNESS: Yes, total volume.

The average percentage revenue in 1923 was 22½ per cent; and in 1928 it was 28 per cent. That is the agricultural industry of Canada earned 28 per cent on its investment.

Mr. BARBER: You have not 1929 figures?

The WITNESS: No. 1929 is practically the same. So that an industry that produces 30 per cent of its capital each year is not doing so badly. How that is used up depends entirely on the human element, on the individual.

There is also another question that has been mooted here, and that is that the settler's loan is 140 per cent of his realty. That is right, when he started out first, he got his land, which was 100 per cent. The cost of the stock and equipment was about 40 per cent of that. But it is not fair to say he has 140 per cent on the investment of 100 per cent, because for that he got his stock and equipment, and if we are to believe what is being told, and it is right because my experience has been that the best paying end of a farm is the diversified end of it, or the stock end of it, and the cattle and hogs and other things that have been supplied to the settler, which account for the 40 per cent, should be a greater revenue producing end than the farm end of it. So that we have to examine closely what it means when it is stated that the settlers loan is 140 per cent, because he got dollar for dollar for this indebtedness, and as time passes the settler has received different concessions reducing his principal liability, so that it is brought down at the present time and is consistent with what we consider to be present market values. And from the start that he got from us, he has the increase of the stock, and we expect and always look forward to a farmer making the greater part of his living expenses out of the stock or the proceeds of the stock that has been supplied to him.

As I stated yesterday, the Board at the present time have a modified system of payment for those lower grade settlers, grade 3 and 4 settlers; and I think it is admitted by those who have studied the question, both the Legion

and others, that if these lower class settlers, as we call them, grade 3 and 4 settlers, cannot make the payments which are asked for in the modified forms of payment, then they cannot succeed under even lowered interest and an extended period; because what the Board is asking for at the present time is simply the interest, and we find on calculation that the interest that we are asking for would be practically the same as the payment that would be asked for under 3 per cent with a 34 year extension.

It was remarked yesterday that a person would be too old in the year 1946 to renew his contract. Of course if 34 years is given, it will extend to 1964, or practically 18 years longer.

Now, the Board is endeavouring, with this modified payment, and I am just telling you what we are doing, and hopes, by advice, that is by supervision and assistance in getting more land under cultivation and, where it is called for, changing the methods of farming, for if a man is going into grain farming when diversified farming would pay better, we are endeavouring to get him to make that change. But we have there the human element, and sometimes people will not take good advice when it is given.

The question of wild oats was referred to yesterday. I speak from experience on this, because I have had a great deal to do with it, especially out in the west; and the weed menace is more mental than it is physical. It is a question of simply tackling the problem the same as a man would tackle any other problem which arises in his business.

If I might state here, a year ago last fall I published a pamphlet on noxious weeds, and it has been sent out. The Massey-Harris Company are so taken with it that they bought about three thousand copies of it. Some of the school teachers have asked for copies for use in their work on agriculture. And if a method that the Board has sent out for eradication of weeds is followed, the weed menace can be eradicated, I am satisfied, with the exception of quack grass, within two years. I am not afraid to undertake to clean up any of the biennials within two years by methods which I have used many times over in connection with work in the West.

Mr. ADSHEAD: Are the methods different from what otherwise have been given.

The WITNESS: The only thing is that I go into it and describe it fully. The reason the Massey-Harris like it is that any man who reads it can understand the operation.

Mr. EGAN: Having decided on a certain policy in reference to help and the conditions in reference to grades 3 and 4, what has been the result since you have put it into practice?

The WITNESS: We have had letters from some of the settlers who are very grateful that they received that help.

Mr. EGAN: And the Legion—has it expressed any opinion as to what this may do?

The WITNESS: I think you will find in their report here that they quote the letter that I wrote, and also have sent recommendations along that line in their report, which I will try and find.

You will find it on page 10 of their report:—

“The Committee is of the opinion that a large number of settlers in grades 3 and 4 could raise themselves to a much sounder position, if steps are taken to reduce by some means the heavy annual payment and to improve their morale. The proposals of this nature are to be found later in the report. In this connection your Committee was impressed with the plight of the settlers who, subsequent to revaluation, and the

re-amortization of their lands, are called upon to make lower annual payments for the remaining term of their agreement, than when they first commenced operation.

"As previously stated, this fact is admitted by the Board.

"As an immediate measure of relief, the Committee is pleased to report that during its deliberation, the Board has made provision whereby settlers in difficulty may enter into a supplementary agreement with the Board, providing for the waiving of all payments, or other interest, insurance, and taxes for a period of years."

And a copy of the Instructions are attached. That is a copy of the letter that the Board sent out last winter in connection with these modified payments.

Another thing is that at the present time, as I said yesterday, we have not completed the revaluation, and the full effect of the revaluation is not yet proven. Concessions have been granted over two or three years through parliamentary legislation. It is quite natural that the granting of these concessions from time to time has created a feeling of unrest and dissatisfaction and also the hope that further concessions will be granted from time to time. That goes without saying.

The CHAIRMAN: By the way, just while we are speaking of taxes, I understood, Colonel, that some gentleman's agreement had been entered into with the municipality in respect to penalties.

The WITNESS: Yes.

The CHAIRMAN: Have you a copy of that agreement with you? It would be interesting to have it filed.

The WITNESS: I have not a copy of that here. I have lots of them. We got them stencilled.

The CHAIRMAN: I think it would be interesting to the committee and to the Legion to have a copy of that agreement filed with us.

The WITNESS: General Ross may have a copy of it.

Brigadier-General Ross: I have it.

The CHAIRMAN: That is a copy, is it?

The WITNESS: Yes, sir.

The CHAIRMAN: If you have no objection, we will have that filed in connection with the question of taxation.

The WITNESS: There was a point brought up, on the question of permanency. The Board has every sympathy with that, and in support of that sympathy I would say that practically all our men, the male staff, are returned men; and taking thirteen to fifteen years out of the centre of such a man's life, both by war service and service in connection with this Board, is creating a feeling of unrest and uncertainty in their minds, as to what their future will be. Also, we cannot keep our best men. They are going away to other companies. In Edmonton, we have lost two men very recently. I may say that these two went to an American life insurance company that is coming over into Canada to invest their money at eight per cent.

Mr. ADSHEAD: Why do you say they left you?

The WITNESS: They left us because they can get a lot more money and have more of a chance of being secure in a permanent position.

Mr. MCPHERSON: They cannot be any more secure with an insurance company. It will depend on their own efforts; there is no guarantee with any insurance company.

The WITNESS: No, there is no guarantee, but they feel that there is a future before them.

Mr. ADSHEAD: Are they going to the United States?

The WITNESS: No, sir, it was an insurance company which is coming over into Canada to loan money in Canada at 8 per cent; and they are taking our men as supervisors and inspectors at higher salaries than we can pay. So that in your recommendations I hope you will give our staff your sympathetic consideration to the request that has been made for the permanency of the staff, or those of the staff who wish to become permanent and get the benefit of superannuation.

Mr. GERSHAW: Roughly, Colonel Rattray, how many men are on the staff?—A. Three hundred and sixty-nine.

The CHAIRMAN: While that subject is on, I have here a memorandum from the men themselves in that connection in which they state their position, and it might be interesting to have that filed in the addenda covering that point.

Mr. McPHERSON: That is the employees?

The CHAIRMAN: Yes, covering the point which Colonel Rattray has raised, giving their suggestions.

The WITNESS: Three thousand three hundred and ninety-five soldier settlers' accounts are off our books as soldier settlers' accounts, and therefore they are not affected by any revision of interest of period. There are about 1,500 of our soldier settlers who have sold their land under tripartite agreements, mostly at 6 per cent. The soldier settler is usually on the covenant, and the question is whether he will get the benefit of the money at 3 per cent and get back 6 per cent for selling his farm.

Then there is the question, which I mentioned a while ago, that the conflict might be between 3 per cent for the Soldier Settlement Board and 6 per cent for the Farm Loans Board.

Then there might be the expediency of asking investors to come to Canada in our real estate and farm land to work, where we say it is a progressive thing and a paying proposition; and at the same time disseminating information that agriculture does not pay.

Sixty-two per cent of our present settlers can succeed, and they will have their lands paid for on or before the end of the amortization period, because numbers of them are making payments at the present time.

Hon. Mr. STEWART: Is that 62 per cent of those still upon the land?

The WITNESS: Yes, about 7,400. Now, the Board as an employee of the Government, of course, can only state the conditions as they are; they cannot recommend that the Government take a loss which would mean a further \$19,000,000 because it would be an admission, perhaps, on the part of the Board that they could not handle the situation; and the only thing is to do as I have tried to do, place before you the conditions as they exist, and your recommendations, and Parliament can act. I want to emphasize the fact that being employees of a government, the same as if we were employees of a land company in the West, if I went and made a certain investigation out there, the only thing I could do would be to say, This is the situation. And then it would be up to the board of directors or the executives to say whether or not they would take a loss.

That is the condition that is existing, and that is the reason why I have put these statements before you at the present time.

Mr. McPHERSON: You estimate the loss of \$19,000,000 interest. Is that from the present until the time is up under the contract.

The WITNESS: The 34-year extension. I gave the reporter who was here yesterday some papers which had those figures on it. Under the existing contract, at 3 per cent interest, the cost would be \$12,900,000.

Mr. McPHERSON: And under an extension of thirty-four years, \$19,000,000 roughly.

The WITNESS: \$19,000,000, roughly.

Hon. Mr. STEWART: I do not know whether you have the information, as to the 38 per cent. You say 62 per cent will make good.

The WITNESS: Yes, sir.

Hon. Mr. STEWART: And are not in need of any relief?

The WITNESS: Yes.

Hon. Mr. STEWART: But there are 38 per cent still remaining who you think are doubtful. What percentage of those would not be benefited by any kind of relief.

The WITNESS: According to their past record and their desire evidently to succeed, about 13 per cent, 1,600 or 1,632. There are 62 per cent in grades 1 and 2; and about 25 per cent in grade 3, which is a grade about which I explained yesterday that they were willing workers and had been doing their best, but owing to climatic conditions and, maybe, war disability and other things, they had fallen into arrears. That is the class, of course, that I would like to see happy.

Hon. Mr. STEWART: And they constitute about 25 per cent?

The WITNESS: Yes. Then there are about 13 per cent that no legislation would help, outside of giving it to them.

Mr. BARBER: You have stated that the government has a loss of about \$13,000,000 on this scheme.

The WITNESS: Yes.

Mr. BARBER: And the country is bound to assume a further loss before this scheme is through.

The WITNESS: I have made the statement that, under the present conditions, at the present time, as far as the principal investment is concerned, the people of Canada have made in the soldier settlement, the board can take it through without any loss of principal. There will be a loss of interest.

Mr. BARBER: My opinion is that we will have to assume a considerable loss, and I think that is the general opinion, and I think the people of Canada expect it, and the question arises now that you admit that by concession after concession we have been undertaking to do something with this matter in a sort of a piece-meal way, do you not think that if parliament or the government did something now and assumed considerable loss at one time and undertook to relieve the situation, it would be a great deal easier for the Board to administer.

The WITNESS: I am not going to admit that we cannot administer at the present time.

Mr. BARBER: But I am talking of the psychological effect upon these men.

The WITNESS: As a government employee, I am not going to say that the government should take a loss.

The CHAIRMAN: As a matter of fact, I think your recommendation has gone pretty strongly the other way.

Mr. McPHERSON: As a business proposition, the Colonel says he could work it out without a loss. If you want to make concessions, it is up to you.

Mr. BARBER: It is going to be a gain to Canada, I think, if we can keep these men on the land.

The CHAIRMAN: The Colonel is simply speaking of the business loss.

The WITNESS: Yes. I am not touching on the sentimental side of it at all. Of course we extend a good deal of sentiment, and I want it understood that nobody has a better feeling towards the soldiers than I have, because I was with them overseas for five years in the trenches and they have given me good service. But I say it is right that the Board should place before this committee the facts upon which they may draw their own conclusions.

Mr. ADSHEAD: The soldier settlers' lands which have been abandoned by soldiers who could not make it go—have they been sold or the majority of them, to other people who are making good?

The WITNESS: Yes.

The CHAIRMAN: As a matter of fact, I have handed to me the list of sales and the resales, which will answer that question.

TOTAL LANDS RESOLD BY DISTRICT

District and Province	Number of units	Cost to the Board	Selling price	Balance
		\$ cts.	\$ cts.	\$ cts.
Vancouver.....	658	2,536,076 03	2,355,736 27	Dr. 180,339 76
Vernon.....	192	800,769 22	757,484 64	Dr. 43,284 58
British Columbia.....	850	3,336,845 25	3,113,220 91	Dr. 223,624 34
Calgary.....	651	2,638,769 12	2,669,912 14	Cr. 31,143 02
Edmonton.....	1,053	2,904,945 97	3,129,789 69	Cr. 224,843 72
Alberta.....	1,704	5,543,715 09	5,799,701 83	Cr. 255,986 74
Regina.....	485	1,882,372 60	2,038,489 72	Cr. 156,117 12
Saskatoon.....	468	1,696,927 62	1,720,849 59	Cr. 23,921 97
Prince Albert.....	354	808,186 52	1,008,257 99	Cr. 200,071 47
Saskatchewan.....	1,307	4,387,486 74	4,767,597 30	Cr. 380,110 56
Manitoba.....	569	2,400,863 36	2,133,749 56	Dr. 267,113 80
Ontario.....	462	1,610,842 83	1,559,463 75	Dr. 51,379 08
Quebec.....	240	949,944 76	799,962 83	Dr. 149,981 93
New Brunswick.....	249	637,316 93	601,173 84	Dr. 36,143 09
Nova Scotia.....	136	351,429 92	304,417 36	Dr. 47,012 56
Prince Edward Island.....	100	213,792 50	204,884 12	Dr. 8,908 38
Maritime Provinces.....	485	1,202,539 35	1,110,475 32	Dr. 92,064 03
Dominion total.....	5,617	19,432,237 38	19,284,171 50	Dr. 148,065 88

N.B.—In addition to the above there are 818 land sales in process of completion.

Mr. ADSHEAD: And these new settlers are doing well?

Mr. McPHERSON: Evidence was given on that, that so many had bought on time and were in good condition.

The WITNESS: If you were here yesterday, you will remember I stated that there were 1,234 farms that had been sold to civilians, through which the government has sustained no loss; and of 609 of those profit has gone to the original settler, even after he had abandoned his farm.

The CHAIRMAN: There was one question I was asked by the committee to ask Col. Rattray, if he could give us the administrative costs of the Board, both last year's administrative costs and the total, if you have it with you or can provide it later.

The WITNESS: The administrative costs up to date are practically \$19,000,000.

The CHAIRMAN: That will not include any public work costs in regard to buildings.

The WITNESS: Oh, no, that goes into capital. Of course you cannot say that all that amount is soldier settler cost, because in the last three or four years 50 per cent of our work has been in connection with land settlement problems. That is the total that the Board has spent in its administrative work. But since 1925 we have been settling the 3,000 family scheme and have been handling different work and doing different work outside of the soldier settlement work altogether. It is about fifty-fifty since 1926.

The CHAIRMAN: All right. Thank you. I think Major Ashton, who has been in close contact with revaluation and other field work, has a statement he can make, and we will be glad to have Major Ashton give that statement now.

I may say that I am anxious to get all the documentary evidence before us as rapidly as possible, because it will be Monday before the proceedings will be in your hands, and if possible I wish to get all this matter under the same cover, so that it will be available next week when we come to consider our action.

Major E. J. ASHTON called.

The WITNESS: I do not intend to burden you with legislative or statistical statements now as the Legion in their excellent resume of Soldier Settlement Legislation and administration contained in the first eight pages of the report of the Committee appointed at the last annual Convention at Regina have covered the most important features excellently and Col. Rattray filled in the gaps yesterday.

I shall, therefore, start with a brief general resume.

SOLDIER SETTLERS' PROBLEMS

General Loaning Practice.

After over a century of experience long term rural loan practice has crystallized in this country into almost complete uniformity whether the lender is a Mortgage Company, a Trust Company, a Life Insurance Company, or a private individual. Four main conditions have to be met before a loan is approved:

- (1) The applicant must be an experienced operating farmer.
- (2) He must have a reputation for reliability and be recognized as a man whose past record indicates that he will meet any liability he undertakes at maturity, if at all possible to do so.
- (3) He must own his stock and equipment without too heavy outside liabilities in connection with it.
- (4) He must have a fifty per cent equity in his land.

Soldier Settlement Practice.

Under Soldier Settlement Legislation ex-service men without previous experience as operating farmers or any background of financial reliability were not required to own the stock and equipment necessary for their farms, but were given loans to buy a farm, and stock and equipment. This often involved a financial structure where the loan was \$140 when compared to every \$100 value the land itself possessed.

Such were the Legislative provisions under which the Board dealt with returned soldiers' applications for assistance to take up an agricultural calling.

A settler who availed himself to the full of the financial assistance provided by the Act, and whose loan was approximately \$140 for every \$100 worth of land will, if he has made every payment called for from the inception of the loan to date, have paid off 25.45 per cent of the principal of the original loan granted. He will still owe approximately \$100 for every \$100 value that is in the land, in spite of stock and land revaluation which have just brought the land and stock loans down to approximate present day values.

Supervision.

As the only way settlers could succeed with such heavy financial burdens was by more efficient farming methods than were practised by the average farmer, a field supervision staff was built up.

In 1918, 1919, and 1920 that staff was busily employed supervising the expenditure of One Hundred Million Dollars, and in the establishing of settlers.

The years 1921 to 1924, inclusive, were largely years of reorganization. Staff at its peak in June, 1920, numbered 1,579; on November 30, 1924, it numbered 600. While some supervision work was done in this period, reorganization and the care of land and chattels of a large number of salvage cases took up much of the field staff's time.

In 1925 we saw the inception of the British 3,000 Family Scheme; in that and the two following years much of the field staff's energies was directed to looking after British migrants and to after-care, and other work assigned by the Department of Immigration.

Beginning in the fall of 1927, revaluation called for their close attention. It was their major operation during the two following years.

In 1930 our Field Staff are expected to dispose of surplus farms numbering over four thousand five hundred.

Professor F. F. Hill of New York State College of Agriculture (Cornell), says:

"I should think if a field supervisor had 125 to 150 settlers, with a fair proportion of distress cases, he would have his hands full."

Dr. Archibald, of the Dominion Experimental Farm gives a smaller figure.

In addition to supervising 141 settlers, our field staff each look after an average of thirty-five reverted properties and do other colonization work. This year their average responsibilities are to supervise 140 settlers and sell thirty-five farms.

Soldier Settlers have never received the supervision and directional assistance, the financial structure of their loans indicates as desirable.

Classification of Settlers.

Soldier Settlers may be divided into three classes:

First.—A limited top class of splendid farmers who are making their mark in agriculture in every Province of the Dominion. These men are seldom heard from.

Second.—A limited bottom class of settlers who are not suited for agriculture are making no contribution to the agricultural life of the Dominion, whose costs of production are extremely high and whose farms are running at a dead loss each year. This class is not even achieving happiness or contentment for themselves or their family. Its troubles are well known.

Third.—There is a large middle class who are good, sound, upright men, and worth-while citizens, but who have not the outstanding ability needed to do considerably better than the average farmer has been able to do in the past.

While the first and the second classes are not feeling the burden of payments very heavily—the top class are taking them in their stride and the bottom class is hardly making any attempt to meet them—the great middle class are finding the difficulties of their position extremely onerous. Long periods spent in the field have given the writer a high regard and a deep sympathy for this class of settler.

In our official grading we recognize four grades. The first and second classes mentioned above will generally be found in Grades 1 and 4 respectively. These grades follow:

Grade 1—Practically sure to succeed.

Grade 2—Good progress.

Grade 3—Fair progress (barely holding their own).

Grade 4—In serious difficulty, likely to fail.

Indebtedness of Settlers.

The average indebtedness of soldier settlers as at December 31st, 1929, is as follows:

Grade 1 (numbering 3,926)	.....	\$2,320 62
Grade 2 (numbering 3,201)	.....	3,178 46
Grade 3 (numbering 3,163)	.....	3,732 02
Grade 4 (numbering 1,622)	.....	4,450 45

While our grading has been somewhat altered since then, the above figures indicate the standing of loans. In reality these averages only convey an approximate picture of the situation, as our ledgers do not separate settlers on Dominion Lands, (who have no land loan) from settlers on purchased lands. Originally there were 4,254 settlers who obtained loans on Dominion Lands, a large percentage of these loans are still active. If the position of the settler on purchased land were considered separately it would be found that this average loan was considerably higher than the figure shown above; some low grade settlers on purchased lands still owe approximately \$8,000.

United States Government Estimate of Agricultural Returns.

The following table shows the rate of returns on capital invested in agriculture in the United States as estimated by the United States Department of Agriculture:

Year July 1-June 30	Rate earned on all capital invested in agriculture (*) (per cent)
1919-1920	6.3
1920-1921	0.5
1921-1922	1.2
1922-1923	3.2
1923-1924	3.5
1924-1925	4.5
1925-1926	5.2
1926-1927	4.3
1927-1928	4.7
1928-1929	4.7

* After paying all operating expenses, including taxes and allowing a wage to operators.

United States Government estimate of shrinkage in Agricultural Capital.

While the above table is an estimate only, it is made by a staff which has many years' experience in this work and is valuable as a guide. In arriving at these figures they have materially reduced their estimate of the capital value of farms in 1919 as compared to 1929. In 1919-1920 they estimated the total value invested in agricultural production as \$79,325,000,000. In 1928-1929 they estimate the total capital invested in agricultural production as \$58,645,000,000.

Cornell Surveys

The New York State College of Agriculture has conducted extensive agricultural surveys over a number of years. The attached table covering nineteen of these surveys is of material interest. From it you will see that in only three of the nineteen surveys does the per cent return on the total capital investment exceed 5 per cent after paying living costs and a very small wage to the operating farmer. Tabulation of these surveys by Professor F. F. Hill is attached.

Agricultural returns in Canada

While Canadian agriculture is, I believe, in somewhat better condition than American, it can be safely claimed that in no large area in Canada has the average farmer been able to make a living plus 5 per cent on his investment during the last twelve years.

Amount over living expenses a soldier settler must make.

In order to repay their loans on the terms laid down originally in the Soldier Settlement Act our settlers must make a living and an annual payment on his total investment of 7·10 per cent. If, during the last twelve years he has only paid interest and has not reduced his capital indebtedness Section 68, Sub-Section "G" rules than the balance then owing should be consolidated and amortized over the remaining period of the loan, the remaining period of the loan is seventeen years. Under this reamortization a settler must make an annual payment on capital of 8·87 per cent. The burden of such a payment is overwhelming.

Dr. Warren's comments

Dr. Warren of Cornell University who has a world wide reputation as an agricultural economist, and who has been studying our problems, writes in part as follows regarding Soldier Settlers' difficulties:—

"I do not like the idea of just letting things slide. I think, in general the most feasible proposal would be to reduce the interest rate and to extend the period of the loan."

Dr. Warren, whose statement I have just quoted, is probably the most famous agricultural economist on the North American Continent. He has full information of the working of our scheme and has studied our reports.

Professor F. F. Hill, now of Cornell, comes from Saskatchewan originally and was for some time Statistician for the Federal Farm Loan Board of Springfield, and has a very close and practical acquaintance with rural credits.

For the past twelve years I have spent a considerable portion of every year visiting settlers in the field in every district in Canada. I have visited thousands of our settlers at their farms and have a high regard for them as a class. I am sorry to say that among the men who have quit claimed their land, are numbers of men who were at one time considered class one settlers, and that we have lost from the land in the past numbers of soldier settlers who could not be called incompetent agriculturalists. It is the class of men I desire particularly to see preserved for Canadian rural life.

I have met leaders in agricultural life all over the Dominion, they all view with concern the load of debt a large number of our settlers are still carrying and I venture to say that there is not a member here who comes from a rural constituency who does not so view these burdens.

All told, at December 31 last, almost 25,000 settlers have received loans under our Legislation. As Colonel Rattray told you, many of them have done excellently and we have every reason to be proud of their record. On the other hand over 10,500 have gone into adjustment for one reason or another.

I have here a chart which shows comparatively adjustments and percentages of payments in the four most recent completed collection years 1925-1926 to 1928-1929. Your will note that these years are the most prosperous years agriculture has seen since the Board began operations.

When a settler's account goes into adjustment, it is taken from the active to the non-active list and no payment on its account are included in the succeeding collection years. While in each of these four years very large numbers of soldier settlers have gone into adjustment, the collection curve has steadily descended.

You will notice I have only included due payments on this chart and not prepayments. My reason for this is that our accounting system rightly requires that there be included in prepayments very large amounts which do not necessarily improve a settler's standing. I will give you particulars as to composition of prepayments in a typical Eastern and Western Office.

SASKATOON, SASK.

Repaid loans	\$23,924 32
Payment on principal cash receipts	25,964 50
Right of way	1,240 50
Sale of S. & E.	12,653 23
Initial payments	16,442 87
Insce. and taxes paid and refunded by settlers	1,126 90
Fire loss recovery	3,070 59
Sale of gravel	1,970 32
Road diversions	227 20
Sale of P. I.	25 00
	<hr/>
	\$86,645 43

TORONTO DISTRICT OFFICE

ANALYSIS OF PREPAYMENTS FOR COLLECTION YEAR ENDED JUNE 30, 1929

Repaid loans	\$41,526 02
Initial deposits transferred	18,364 50
Sales of security, easements, repayments of stock and equipment	16,722 93
Fire loss recoveries applied in reduction of principal indebtedness	8,056 62
Straight prepayments	6,749 55
	<hr/>
	\$91,419 62
Errors in collection reports	Off \$25 00
	On 10 00
	15 00
	<hr/>
Total as per S.S.B. Form No. 419	\$91,404 62

For this reason in considering settlers' positions I do not place much weight on the large amount of prepayments (well on to \$1,000,000) we record each year.

Mr. Chairman, I view these figures with great concern. They are progressive. This collection year we were probably easier on rescissions than ever before, yet during its first eight months, 488 adjustment cases were added to our list. At this rate we will have approximately 750 this year. It would take many years of such adjustment to clear out the equivalent of our 1,600 Grade 4 settlers. Another reason why I view with deep concern this adjustment record is, because I know many men are hanging on hoping that this Session Parliament may do something.

There is a spiritual side to settlement which is more important than even the material, if a man loses heart with heavy burdens like our settlers, his case is bad indeed. While I realize that some of these settlers' troubles are due to factors they might control, I know that among the list are many fine characters. I want to say now most emphatically, that Soldier Settlers were very desirable servants of this Country during the War. As a class they are good citizens now and deserving every consideration. I want to see better morale among our settlers and their burdens eased materially.

I also want to see better human relations between our settlers and ourselves. Some of our good settlers are beginning to dislike our field staff and I do not wonder at it. They are doing their best to make their payments, often they and their families go short of things we in the city consider necessary, in order to meet payments. Our field staff only have time to call on Class 1 and 2 settlers in connection with their payments. These settlers see others not meeting payments and still carrying on while our staff get after the good settler for collections and after a bit these men consider they are not getting a square deal and blame our unfortunate field men. I would like to see settlers payments such

that given average seasons and good average effort there would be no sound reason why they should not be met, such that the general public and the veteran would not condone evasion of payments.

General Ross on behalf of the Legion, has asked for our suggestions and I am going to give you mine.

The major concern of Canada in connection with Soldier Settlement is the improvement of the standing of Soldier Settlers in the rural life of the Dominion and assisting as many Soldier Settlers as possible to become self-reliant and contented members of its agricultural communities.

There are three principal ways in which this can be done:—

(1) *By showing them how to obtain better returns from their farming operations.*

(2) *By adjusting the financial burden they have to assume as a result of their borrowings from the Dominion Treasury in such a manner that it will be easier for the settler to carry.*

(3) *By obtaining a larger share of the settler's gross returns from his farming operations.*

They are placed above in the order of their importance as factors in the problem. By far the most important of all is the inculcating of self-help on the part of the settler. The aim here should be to aid him to plan and improve his position as far as possible with the land, stock and equipment he now has and to add as little as possible to his over-head indebtedness while so doing.

The financial structure of the scheme is entirely different from that of recognized rural loaning practice and should be adjusted to lessen the burdens a mistaken kindness permitted Soldier Settlers to assume.

Better collection methods would undoubtedly help in individual cases where settlers have not returned to the Government a fair share of the proceeds from their farms. As a general rule though the present standard of living of our settlers is not too high and the aim should be to obtain better collections as a result of returns from better farming practice and not as a larger portion of gross income.

I speak rather feelingly in this connection, and I want to say this, I am differing somewhat with my colleague, Col. Rattray. I have spent two of the most pleasant years that I have ever spent in Canada, with Colonel Rattray, and I hate to differ from him.

Hon. Mr. STEWART: You are not speaking for the Board, then, Major Ashton.

The WITNESS: I am speaking personally now.

Hon. Mr. STEWART: You are a member of the Board speaking personally to this Committee?

The WITNESS: Yes.

Hon. Mr. STEWART: I see.

The WITNESS:

1. *That closer attention be paid by all field staff to the work of rounding out settlers' holdings to the fullest development possible and helping them in this manner and by the practice of better field and animal husbandry to increase their gross returns. (This will entail the adjustment of Field Staff's work so that much more time can be spent by them in Agricultural Supervision.)*

2. *That all soldier settlers who desire it have the privilege of having their loans reamortized on a thirty-four year basis from October First 1930. (This will need Amendments to Sections 16, 18 and 19 of the Act.)*

3. *That in future the rate of interest chargeable on loans be reduced to three per cent. (This will need an Amendment to Sections 16, 18, 19 and 59 of the Act.)*

Now at this point I want to say that Ireland is rounding out into a very satisfactory community, practically the whole of the land in Ireland is being turned over to peasant holders. Two and three-quarters per cent is the rate of interest charged over there and I do not think that it is bad for Irish agriculture. In Germany they are paying 3 per cent under their land board.

4. *That where a settler has made an honest effort to succeed but has failed due to inability to carry the heavy financial responsibilities called for by our legislation and desires to take up a homestead, he be permitted to transfer to his new holding the stock and equipment he has secured from the board; that he be charged present day values for this stock and equipment without the necessity for them being offered at public auction or tender. (If approved this can probably be done under Section 23 of the Act.)*

May I say one word further about supervision. I have reviewed over 7,000 revaluation files in the last two years and have had the fact that large numbers of our settlers' farms are not rounded out to their fullest production. This is particularly true in the prairie provinces. The two maps I have here illustrate this fact better than an hour of talk.

Both are good settlers, the man near Islay, Alta. has an exceptionally heavy bushed farm for the prairie, his power is not sufficient to clear it quickly. The ability of his farm to carry a heavy loam is very different from that of the other settler.

If you just take a glance at the sheets which have been handed around, which I do not think can be copied, you will observe that is one part of field supervision which is very necessary in Canada. At the top of the graph is a small area, and you can see from the line that that land was very difficult to work. At the south end of that farm was heavy bush, which with stumps settlers find difficult, with the power they have at their disposal, to get out.

The difference between the ease with which settlers on the totally cleared farms and the settlers on the partially cleared farms can make their improvements is graphic and easy to understand.

Hon. Mr. STEWART: You have been with the Board since its inception, and was that not taken into consideration when the settler was placed on the land?

The WITNESS: We have been doing it year by year, sir.

Hon. Mr. STEWART: I mean at the very inception of the thing, because after all you were a member of this board since the very inception of the board at the first, and your complaint that the load is too heavy, the board must accept some responsibility for, having put men in that position.

The WITNESS: I accept it fully, sir. And may I say that when I started—and the Minister's point is an excellent one—I started on this supposition; I came to Canada in 1903 and settled on the land myself. The best Canadian Pacific Railway land in northern Saskatchewan was then \$5.00 an acre. Mr. Calder asked me, about the time we were starting, "How do you expect these settlers of yours to go ahead?" I made an answer that looks foolish today, but I believed it then. I said "I think the next ten years will see the spread between the capital burden they bear and their assets widened by unearned increment due to rise in land values."

I have seen land rise from five to about seventeen dollars an acre in my own home district; and knowing that land to the south of the line was considerably higher than \$17, I thought that with crops good we might see land advance not as much as that, for I did not expect land to advance as much as that, but enough to give a definite profit to our settlers. I am frank to admit that I was crazily wrong.

Mr. McPHERSON: The price of farm land would make no difference to the farmer unless he sold out?

The WITNESS: No, Mr. McPherson, that is absolutely true.

Mr. ADSHEAD: You are not quite through yet?

The WITNESS: No not quite; I have very little more that I wish to say.

You all of you know the difference between the returns from good live stock and poor, or good seed well handled and poor. Better farming results are obtained by better farming practise—There is enough valuable information on agricultural practice in cold storage, due to research of experimental farms and colleges to revolutionize agriculture. Much of the best of this information relates to improvements in farming practice which can be made without adding to the overhead or equipment of our settlers. I want to see this information made use of by many more of our settlers.

I am not blaming anybody for the fact that we have not got it over. Our supervision staff, if you ask men who are in close touch with rural life, have had a very big job to do and they have not had the time to devote to planning the affairs of these men, who are largely inexperienced at the start.

To do this we would have to readjust our staff as all are not expert live stock men, nor are all expert husbandmen, though all are good practical men and generally have strong points. We should get the full benefit of these strong points brought to bear on soldier settlers problems. Some expenditure of funds, but not anything like half the sum we spent paying taxes on the prairie provinces last year. And such an expenditure would eventually cut out a good deal of these tax payments. Generally we should aim to teach self help with the capital, tools and equipment a settler now has.

A word about our staff and then I finish. Our staff is a busy one. Any summer you will find our Western staff at their offices at 8 a.m. Many of the offices open at that hour. Our field staff have a busy time looking after our settlers and other delegated work. The Audit Board did not find our costs high. If we are to do the supervision work the problems call for we cannot cut our staff for a year or two. During my twelve years with the Board they have given me excellent support. The men are nearly all married, they are getting on in years and deserve to know at an early date if there is to be a permanent job for them. As one deeply indebted to them for faithful service I ask every consideration for the difficult situation they find themselves in after over ten years service.

I thank you, sir.

The CHAIRMAN: Are there any questions that any member of the committee or Mr. Stewart desire to ask the witness?

Mr. ADSHEAD: You mentioned something, Major Ashton, about better farming practice. Did you have any experience in co-operative farming or extensive co-operative farming, and can you say whether it had any effect on the results?

The WITNESS: Personally I cannot comment on cooperative farming. I have not had anything like the experience that the gentleman who give evidence the other day has had in connection with co-operative farming.

Mr. ADSHEAD: And you have not considered it at all?

The WITNESS: Yes, I considered it, sir.

Mr. MCPHERSON: What percentage of the 1600 odd men whom you put in your fourth category do you think can be assisted by any financial relief.

The WITNESS: Not a tremendously high percentage. I have not gone over it closely enough to make the estimate, but we can save some of them; as to what proportion, it will be a mere guess to say, Mr. McPherson. I know I have come across the odd case on the file where they can undoubtedly be helped; but I have not gone into it in detail sufficient to give you an answer.

May I add something about interest? During the first ten year period operations, we have only asked for 3.2 per cent from our settlers; and our position is that after having operated on really a low rate of interest for twelve years, because for two, three or four years no interest was charged on the loan, and I want to make that clear that for twelve years we did not in effect ask for 5 per cent.

The CHAIRMAN: That was due, as the committee remembers, to the amendment of 1922?

Mr. McPHERSON: The thing which strikes me in the whole discussion is that, regardless of the information we have had, out of those remaining on the land today there are approximately 1600 men who might be considered hopeless from a farming standpoint.

The WITNESS: A good many of them.

Mr. McPHERSON: And out of that 1600, even the most extreme extension of financial assistance would not save them as farmers.

The WITNESS: There is a lot of truth in that, sir.

Mr. McPHERSON: Looking at that, it does not seem to me to be the failure that has been indicated by general reports.

The WITNESS: Oh, it has not been a failure. I think the soldier settlers under circumstances have done remarkably well. You cannot put a scheme like this under the yardstick of a banker's debit and credit balance sheet. There are many instances in which a banker's debit and credit balance sheet does not give a true picture or answer to the facts. Take the family relationship. We are all married men, but if you put the banker's yardstick of debit and credit balance sheet to the family relationship, you will prove to the last degree that that relationship is economically absurd and unsound, and yet it is the basis of our civilization.

I submit that something of that has to be borne in mind when you consider the success or failure of soldier settlement or of any large scheme.

Mr. GERSHAW: The suggestion of 3 per cent would apply to all unpaid loans?

The WITNESS: This is my suggestion, sir.

Mr. GERSHAW: From all classes of settlers?

The WITNESS: Yes, to be fair to the man who has struggled to pull through.

Mr. BARBER: There is another point in regard to the revenue. Is it not a fact that a large number who have already met their obligations and are struggling today are depending upon revenue from other sources than their farming?

The WITNESS: That is more true in your province than any other. In the small farming in the Fraser Valley and Vancouver Island, I think not fifty per cent of them make their revenue from their farms.

Mr. BARBER: They are not able to meet their obligations?

The WITNESS: Not if they look for everything from the land. Fifty acres with only ten acres under cultivation needs a lot of skill.

Mr. EGAN: What is the average value?

The WITNESS: I could not say, Mr. Egan, although I put through a lot of sales last year for \$4,000 for twenty-acre parcels, and up to \$5,000.

Mr. EGAN: Yesterday I asked Colonel Rattray in reference to the experience or connection with farm work of the average man who had been granted a loan, who had been settled through the Soldier Settlement Board, and my understanding was that the greater percentage of them had some connection with or knowledge of farming. Do I understand you correctly from your reading of your memorandum that most of them were inexperienced?

The WITNESS: To this extent, all that we asked for was that the man would be able to handle the tools of agriculture. That is, that he could milk,

he could plough, he could look after live stock; which is a very different thing from managing and operating a farm.

Mr. EGAN: The answer yesterday was that the greater number of the people to whom loans were made had been connected with farming before going overseas.

The WITNESS: I think that is true. It was inexperience with farm management, not with farm practice.

The CHAIRMAN: The members of the committee will understand that there is a great difference between experience in farming and the workman or farm labourer, and experience in farm management.

I may say that we were speaking of meeting again this afternoon, but I learned that the reporters have a tremendous accumulation of work now, and that it would be very difficult for them to keep pace with our work if we meet this afternoon. We should meet this afternoon for the sake of the work, but it would be almost impossible for the reporters to prepare the evidence and have it ready for us even next week, if it piles up.

There is another phase, and that is in connection with the witnesses who have been called here. Naturally they want to get home. We have half an hour at our disposal now, and I would ask the three witnesses what they have to add in order that we may see whether we can finish this morning and have a short session this afternoon so as to enable them to get away.

Hon. Mr. STEWART: Let us hear the witnesses; so that they can go home.

The CHAIRMAN: I think we better have the witnesses even if we have to wait for the copies from the reporters into next week.

Mr. MCPHERSON: We are going through an agenda principally of suggestions from the Legion. They will be discussed one at a time. The question is whether they want to ask the witnesses direct questions on those very things. Personally I did not interrupt more than I had to in order to keep my mind on the right track, with the idea that the witnesses would be prepared to answer questions on the individual items later on.

The CHAIRMAN: The witnesses are quite prepared to remain here as long as necessary.

I think it will be better to ask Mr. Payne and Mr. MacFarlane to complete as fully as they can, or to be available here. If we can finish with them now, all right. We can leave Judge Ross until the end, because Major Bowler will be here and ready to answer questions.

Brigadier General Ross: I have only three or four suggestions still to make.

Mr. MCPHERSON: I would suggest, Mr. Chairman, that we hear Judge Ross now.

The CHAIRMAN: All right. Judge Ross.

WITNESS: retired.

Brigadier General Ross: Recalled.

The WITNESS: I just want to put one or two things on record. I wish to mention the statement made by Colonel Rattray that continued concessions have apparently held out the hope from more concessions. That may be quite correct, but I wish to make it clear, on behalf of the Legion, that we are only too anxious that this problem be solved from a consideration of fundamentals. I may tell you that this particular soldier settler problem has caused us in western Canada more difficulty and more trouble than any other; and we are certainly not encouraging these settlers to look for any concession, as con-

cessions. We are simply here asking that they be given that to which they are entitled by right, and not one thing more. That is the attitude of the officials of the Legion, and I put that before the committee, that we are not asking for concessions. If the information before your committee leads you to think that these men have something coming to them as a measure of justice, we ask for it. If, having viewed the whole situation, you are of the opinion that no such case has been made out and that all they are entitled to is something by way of gratuity, then that is not the Legion's policy. I wish to make that quite clear.

I do think, however, that the information which you have got and the discussions which you have had will go a long way towards solving our problems. It puts us in possession of the facts with which we can discuss these questions with these men, when they come before us, intelligently. We can show them wherein their propositions are not founded on proper facts; and it gives you gentlemen an opportunity to study the questions from a fundamental basis, which perhaps has not always been done before.

The suggestion has been made as to the responsibility of these men by reason of the fact that they had previous farming experience and also knowledge of the lands purchased. I am quite willing to admit that in many cases that situation existed; but at that time the Board undertook the responsibility of advising these men; that was the government's responsibility. It must be remembered, as pointed out in our report, that before this scheme went into operation the government of Canada quite properly started propaganda for the purpose of inducing as many men as possible to go onto the land. Men visited us in France and in England and spoke of this scheme; and the men naturally had the idea that it was a wonderful thing, and it looked wonderful at the time, and we did not realize what would happen afterwards.

We cannot charge the men with any responsibility. A man had been out of work for four or five years, and the relaxation of demobilization undoubtedly affected the judgment of many of us. We were all the same, and I do not think that is a phase which should be properly considered in dealing with the question of responsibility.

Colonel Rattray has also suggested that a number of the men in the third or fourth class take the attitude that they fought for the government and the government owes them a living. Let me make it clear to you, gentlemen, that we are not here to make any plea on account of that man. If any man in that category comes within that class, then we are absolutely at one with the board that the sooner he is off the better, and that he is not deserving of consideration.

We ask our men and expect them to work in peace as they fought in war. We do not wish any person to go out with the idea that the Legion is asking any concession on behalf of the class which adopts such an attitude.

Colonel Rattray suggested difficulties in the matter of the appeal cases. I see his point, but I would like to point out that there are still 1,000 cases to be disposed of in which appeals can be taken; and there are still 130 appeals standing. I would suggest that it is for the court to direct its mind to valuations on the same basis as the cases that have been already decided, and that a competent court, such as we have in this case, would have no difficulty in basing its judgments, so that all cases shall be decided on a uniform basis. In any event, we have 130 actual appeals, and 1,000 potential appeals that have to be decided at this time. I cannot see that that should affect the issue.

Hon. Mr. STEWART: It is the clear wish of the Legion that all who desire to take an appeal should have the privilege?

The WITNESS: It is our desire, for this reason, sir, that it will remove a source of irritation and dissatisfaction, which will generally tend to put the soldier settler in a better frame of mind and give him a better heart to go on

with his work. It is only on that basis that we ask for it; and we do think it will help to remove, as I say, dissatisfaction and irritation, and at a very small cost to the country.

Mr. EGAN: Judge Ross is referring to all the soldiers.

Mr. ADSHEAD: In regard to the men who think that the country owes them a living, I think I know what you mean, but does not the country owe them a job? I am going on this line, and it is not my opinion, that when the country demanded of these men the right to die, if necessary, that when they come back they could with equal force demand a right to live, which is the right to work, if they wish to work.

The WITNESS: But what I understood from Colonel Rattray was that they thought the country owed them a living without working too hard for it. I absolutely agree with Mr. Adshead on the general principle. Our policy is that the man must have an opportunity to work.

The CHAIRMAN: The man on the farm has absolutely all the opportunity to work that he needs; so that that can be left aside.

The WITNESS: There is one thing I omitted in my remarks yesterday, and I do not think I need do more than direct your attention to our recommendation on page 18 of the report. That deals with a special class of case. We have numbers of settlers who have pioneered in districts which are heavily wooded. Mr. Payne referred to them yesterday.

We have a number of them in Saskatchewan, and I imagine there are a number in Alberta. They went on virgin farm lands which were unproductive at the time, and in many cases they have cut a farm out of the bush which is now a valuable property; but in the meantime they have not been able to make a return which will bear the load of interest.

I suggest as a matter of business that a man who has pioneered in that way and opened up a new tract might be reimbursed in the way of interest. That is the government might pay him for the developing and opening up of the new land, paying him for the work he has done. If a man works, he is paid. If he does not work, he gets no remission. I think that class is entitled to special consideration.

It is true the land costs are nothing; they got a big loan to start with, but they went in and many of them have worked hard and have done wonderful work; but now they find themselves with debts amounting to many thousands of dollars, in many cases; they have done clearing which is worth \$50 to \$60 an acre, on land which is now ready to be worked and is worth a good sum on the market. I suggest that consideration of those men would be only a matter of equity.

Mr. ADSHEAD: The cost was because they had no proper help.

The WITNESS: Yes, that is a fact.

The CHAIRMAN: As a matter of fact it is the men who for some years worked on unproductive land, who had no means of paying interest.

The WITNESS: And because of that they have an undue burden now that they are ready to start work on an economic basis.

The CHAIRMAN: I might say that Major Bowler will be able to answer practically any question when he is called next week.

The WITNESS: I may say that I will probably be here two or three days longer in connection with other work.

The CHAIRMAN: That being so, we thank Judge Ross very much.

The WITNESS retired.

Major ASHTON: May I say, Mr. Chairman, that I omitted something. Mr. Payne yesterday raised a case which did not look very well, of a soldier settler who, he stated, had one award, and then had that award raised three successive times before finally he accepted it. The facts of the case are these, I should not give the man's name, although I can give it to you privately. This particular man received \$860 of an award first on reinspection of the land. We had a couple of re-inspections done. Our Vancouver office decided the award was not sufficient, and went to \$1,360, and then to \$1,600, in an endeavour to settle. The man did not accept that settlement. He took the case into court and lost the appeal in the Exchequer Court.

I want to say that I had a talk with Colonel Rattray immediately after I heard of that and instructions were issued that if a second offer was made that second offer must be a final offer, and that bickering of this kind would be liable to lead to a very bad understanding.

Mr. EGAN: In saying when you first heard of this case, you do not mean yesterday? You mean when you first heard of it some time back?

The WITNESS: Yes, when we first heard of it some time back.

The CHAIRMAN: We have still a few minutes, and Mr. Payne has come a long distance and has still a few words to say. We would like to hear him now.

Mr. R. A. PAYNE recalled.

The WITNESS: Mr. Chairman and gentleman, I do not think I have very much more to say. First of all, I would like to say that Major Ashton's reply to the statement which I made yesterday about the three or four different offers in revaluation was not as to the case to which he has now referred. I can check that up because I have the name of the case to which he refers and also the name of the case to which I referred yesterday, which are two entirely different cases.

I have to emphasize the contrast, the difference between British Columbia conditions and those in the prairie provinces, with the clearing of the land. The country I travelled through on my way down here, the northern country on the C. N. R., the timber is so very small that a man really would not require machinery to help in clearing it off, but could almost pull it out by hand, in comparison with the timber in our country out in the Fraser Valley.

Mr. McPHERSON: Do you realize that it is a common practice for a British Columbia farmer to leave his farm to do other work so that he may get the necessary money?

The WITNESS: Climatic conditions have been referred to over and over again. Colonel Rattray told us 1,600 of the fellows would succeed provided climatic conditions were favourable. In British Columbia, climatic conditions do not interfere at all.

The CHAIRMAN: No, not the 1,600 but the third and fourth classes.

The WITNESS: Then the psychological effect on the mind comes in. In British Columbia, year after year, it is the same, and the man gets no further ahead but keeps going along; while in the prairie provinces a man will go behind in one year but he will say, Oh, next year I will make good. In British Columbia there is nothing of that.

I have of course to support again the minority report which was put in from British Columbia; and it is only the contrast of the differences between the two districts.

In regard to the suggestion made in the majority report, by opening the Exchequer Court again. I am somewhat tempted to suggest that in British Columbia, if these cases were reviewed and men accepted their awards,—they were reviewed in this way that the appraisers' report upon their examination,

and if the man was given an award of a less amount than the appraisers' report said he should get, then he should be given the amount stated in the appraisers' report, without reference to an appeal court.

Regarding the loss which there may be in this, if there were no concession given now, there would be a loss to the country.

Mr. ADSHEAD: Concessions?

The WITNESS: The relief that we are asking for is a readjustment. Just before leaving British Columbia I heard of one case of a man who had twelve or thirteen acres of land, purchased at a cost of \$3,600, with a loan of \$1,000, for permanent improvement, and a loan of \$250, which was spent practically all of it on fertilizer. He gave it up and quit claimed; and two or three years ago, with a debt of something over \$4,000, the property was sold just before I left home, for the sum of \$1,000. There was that loss, any way. Our men are good citizens, men who have proven themselves to be good citizens.

Hon. Mr. STEWART: You say there is a reduction there of \$3,000, apparently in the value of the farm. Is that general? Does that apply all over the territory that you speak of?

The WITNESS: There are several cases, sir.

Hon. Mr. STEWART: What I want to know is would this particular case fix a value? Is it fair to state that there is a reduction in the value of all the farms in that vicinity of \$3,000?

The WITNESS: In that particular property and that particular vicinity, I believe this thousand dollars was a very fair price for the place. Maybe it was a little low. I was rather surprised because I thought it was a little less than should have been got.

Hon. Mr. STEWART: Because, if there had been that depreciation in the value of those lands—

The WITNESS: Yes, there was a depreciation in the value of the land since that valuation was made.

Mr. MCPHERSON: Do I understand that the farm was bought for \$3,000?

The WITNESS: For \$3,600.

Mr. MCPHERSON: And a thousand dollars of improvements was put on it in buildings?

The WITNESS: Yes, sir.

Mr. MCPHERSON: Was it cleared after being bought?

The WITNESS: It was partly cleared when it was bought. This was called a strawberry farm, and that is, I guess, what the fertilizer was bought for. It is a great loss on these men, because they are part of the community and some of our very best citizens; and, I am sorry to say, the emigrants who have come into the community and taken up the soldier settlers' salvaged farms have not been a success; and I do not think that the Board can exhibit the 3,000 family settlers who have come into our part as being successful.

Hon. Mr. STEWART: Were they British people?

The WITNESS: Yes, sir. Our own soldier settlers are a much better class of citizens; they are used to the conditions and they should be in a better position to succeed, if it is possible at all to have success there.

Mr. MCPHERSON: Were there many of these settlers in your own district? You mention this man with strawberries, who came in there after special experience in that special line which he was going to take up.

The WITNESS: There were quite a number. In our district, on the Pacific Coast, we have a peculiar disease called redwater in cattle. I know of one settler

who lost eight head of cattle through this disease. Veterinary surgeons have not found any cure for that disease and cannot cure it; and this man was forced out of dairying in that district and had to go out of it; he had had no experience in poultry. These men have to know something about farming.

Mr. BARBER: In regard to your recommendation in your report, there is just one recommendation, I think, which you make in regard to interest.

The WITNESS: That is it, following up what we have consistently asked for in British Columbia for the past four years, we are more or less opposed to an extension of the repayment period. We feel that they are there with a millstone which will hang them all before the period is over, unless some relief in interest is given to them.

Mr. BARBER: The bugbear is really interest?

The WITNESS: Yes. I have with me one account. I know that during the remission of interest period this man had interest charges of \$60.17. That is not a great amount, but apparently that was on account of the fact that he was unable to make his payment and left a little in arrear, and that accumulated.

Hon. Mr. STEWART: If you say the interest is the answer to your difficulties, how do you reconcile that with the report you make of the man who finds that his property is depreciated \$3,000 in value in the period during which he has had it, if that is general? Is it not safe to assume that the property of all the other men who were there has depreciated the same?

The WITNESS: Oh no, sir.

Hon. Mr. STEWART: You are not putting it up as a typical case?

The WITNESS: No. It had been a salvaged farm during the revaluation period.

Hon. Mr. STEWART: And you would be satisfied with the contracts as they are, with all the benefits of revaluation and appeals, if need be, to every one who felt he did not get fair treatment.

The WITNESS: As I say, I was somewhat tempted to make that suggestion. In British Columbia, you see, we find in revaluation in making the awards a little different system was used to what was used in the other provinces.

The CHAIRMAN: Thank you.

Now I have a suggestion to make to the committee. Mr. MacFarlane is here.

Col. RATTRAY: I would like to put in some figures that the last witness does not seem to know anything about. We had 3,515 settlers in British Columbia. 675 of those are off our books because their loans are paid. Of the 1,300 who left their farms, we have sold 850. Those 850 farms cost \$3,316,000, and we sold them for \$3,113,000, with a loss to the government of some \$200,000.

The CHAIRMAN: I think Mr. Payne said the case he cited was not a typical case.

Col. RATTRAY: In districts where the water played out, places which had sold for \$3,000 brought \$1,000. That was exceptional.

Mr. BARBER: In the Oliver district, where the Provincial Government came to their relief.

Col. RATTRAY: The irrigation was not working, and we had to take it as just pieces of land.

Mr. PAYNE: As to the number of paid-up loans in British Columbia, I have personal knowledge of four, five or six probably; but in these particular cases, one was the case of an old pioneer in our district who wished his only boy to remain on the farm, and he was afraid he might go to the city; and he got the Board to buy a portion of his own place in order to keep the boy on

the farm. The boy was there for eighteen months and then wanted to go to the city, and the old man bought it back again.

Another case was where a man bought a quarter-section of land with merchantable timber which he sold for \$2,500 and paid up his loan.

Another purchased a piece of land adjoining an expanding village, and it was gradually taken in to the village; and at the same time this man was drawing wages as a plasterer in Vancouver at \$10.00 a day.

These are only a few of the cases of which I have knowledge in connection with the paid-up cases. I am certain these men did not pay up their loans with money obtained from their farming operations.

Col. RATTRAY: But still the lands were worth the money.

The CHAIRMAN: If the members of the committee are content to stay for a few minutes longer we might have Mr. MacFarlane complete his statement, and we will then adjourn until Monday next, when we will have this mass of material in our hands which we can consider properly with Major Bowler.

WITNESS retired.

J. D. MacFARLANE recalled.

The WITNESS: I do not think I have very much more to add to what has been said, but I do not really agree with Mr. Payne's suggestion on the waiving of the interest and not readjusting. As a settler, I feel you have to reduce the current payment under existing conditions. That is, speaking for these settlers in the prairie provinces in particular, it would make it much easier for them, and the morale of the settler would be much better if he can meet the yearly payment, no matter what the concession may be.

In the reports which you have been given, better farming methods have been spoken of all the way through. I appreciate Col. Rattray's position in connection with loans throughout the Dominion as a whole; and in connection with the loan companies for say 25 years; we as farmers do not want to see anything happen which would be detrimental to the farming industry of the country, as was stated by Col. Rattray, and to the capital which was invested in this country from the Old Country and from the United States.

Concessions which would be granted to settlers at this time might have a little detrimental effect upon that capital, as Col. Rattray has stated.

In connection with the wild oat problem, Col. Rattray said it was possible to eradicate them in two years.

Col. RATTRAY: One year.

Mr. ADSHEAD: In one year's crop.

The WITNESS: It all depends upon the actual weather conditions in those years. If you strike dry years, it is practically impossible to get rid of wild oats, because you have to germinate that seed or it will lie dormant in the ground until you bring it up.

At the Rosthern Experimental Farm there was a piece of ground which was down for fifteen years, and they ploughed it up and put a crop on it, and there were wild oats came up in that crop on that land which had been lying dormant for fifteen years.

Mr. McPHERSON: If you want to discuss the killing of weeds, you can call for a full year's debate on it.

The WITNESS: It is really in the better farming methods which are being advocated that you may hope to carry them through to ultimate success. That was the main reason for bringing this up.

SPECIAL COMMITTEE

From the evidence which was given, probably something will be done to help these settlers out in the load which they are carrying, so that they will be in a position to reach ultimate success during the ultimate term of carrying the loans.

I think I have nothing more to say in this connection, Mr. Chairman.

The CHAIRMAN: Thank you.

WITNESS retired.

The CHAIRMAN: The committee will meet again, all being well, on Monday at 11 o'clock. In the meantime we hope to have as much as possible of the mass of material at our disposal.

The Committee adjourned until Monday, May 19, 1930, at 11 a.m.

APPENDICES

- No. 18—Report of Canadian Legion Committee on Soldier Settlement.
- No. 19—Minority Report of Member of Canadian Legion.
- No. 20—Conference on Taxation of Lands.
- No. 21—Table showing Sources of Income on Farms, etc.
- No. 22—Memorandum *re* Superannuation and Permanency of Staff of Soldier Settlement Board.

APPENDIX 18

CANADIAN LEGION OF THE BRITISH EMPIRE SERVICE LEAGUE

REPORT OF THE SPECIAL COMMITTEE ON SOLDIER SETTLEMENT

*Appointed at the Dominion Convention of the Canadian Legion of the B.E.S.L.
at Regina, Sask., November 25-28, 1929*

MEMBERS OF SPECIAL COMMITTEE ON SOLDIER SETTLEMENT

Lt.-Col. A. E. Potts, Saskatoon, Sask.
Mr. H. C. Farthing, Calgary, Alta.
Mr. A. Stillwell, Calgary, Alta.
Mr. C. R. Nash, Toronto, Ont.
Mr. H. M. Young, North Sydney, N.S.
Mr. J. R. Bowler, Winnipeg, Man.
Lt.-Col. H. D. Johnson, M.D., Charlottetown, P.E.I.
Mr. R. A. Payne, Murrayville, B.C.

*To the Dominion President and the Dominion Executive Officers, Canadian
Legion of the British Empire Service League*

GENTLEMEN,—Your Committee was appointed on the opening day of the Dominion Convention, held at Regina, November 25-28, 1929. The terms of reference to the Committee, as shown by the Convention Proceedings were, generally, as follows:—

That a Committee be set up consisting of one representative of each province, and that such committee should consist of a percentage of lawyers and other business men, and that such committee should sit and consider the Saskatchewan Command Report on Soldier Settlement and also hear evidence to be submitted by Soldier Settlers or their representatives present at the Convention, or others, and thereupon submit proposals.

The Committee was in session constantly throughout the Convention, during which period it received evidence from eighteen witnesses, including Major E. J. Ashton, representing the Soldier Settlement Board. At the termination of the Convention, the taking of evidence was still in progress, with the result that the Committee was unable to bring in its final report at that time. An interim report, to which reference is made herein, and a copy of which is attached hereto, was presented to and approved by the Convention, at which time authority was given for the Committee to continue its deliberations and to submit its final report to the Dominion President and the Dominion Executive Officers. Subsequently, as a matter of expedience, and in view of necessity for early presentation, the Dominion President authorized completion of the report by Messrs. Farthing, Potts, Payne, and Bowler.

Your Committee had before it for consideration a report on Soldier Settlement conditions adopted by the preceding Saskatchewan Provincial Convention. It also had referred to it a number of resolutions from Legion Branches affected by the problem of soldier settlement. With this information in its possession, the Committee approached its task with the object of ascertaining as accurately as possible the true position of soldier settlers, including their status as regards their obligations, and their relationship to the Soldier Settlement Board, so as to provide a basis for such recommendations as it is able to make.

The Committee has carefully examined the policy and methods of administration of the Soldier Settlement Board and in this connection has been greatly assisted by the appearance as a witness of Major E. J. Ashton, a Commissioner of the Board, and other officials, and by free and willing disclosure by the Board of whatever information has been requested. In this connection, including resolutions and other material, the Committee has received some ninety-two exhibits.

REVIEW OF SOLDIER SETTLEMENT LEGISLATION

The first Soldier Settlement Act came into effect in August, 1917, and provided for loans to soldier settlers, not exceeding \$2,500, for the following purposes:—

- (a) the acquiring of land for agricultural purposes;
- (b) the payment of incumbrances on lands used for agricultural purposes;
- (c) the improvement of agricultural land;
- (d) the erection of farm buildings;
- (e) the purchase of stock, machinery, and equipment, and,
- (f) such other purpose or purposes as the Board may approve.

The Act further provided for the loans to be expended under the supervision of a Board of three Commissioners, under conditions set forth in the Act, relating to adequate security, the ability of the applicant to make a fair living from the land, after paying interest at 5 per cent, and other charges. Provision was made for the repayment of loans in equal annual instalments, extending over a period of twenty years. Provision for adequate supervision was contained in the Act and was provided by the Board from the outset.

In July, 1919, a further act was passed, superseding the Act of 1917. The scope of the Board and its organization was greatly extended. Under the 1917 Act, settlers were loaned money to acquire land, etc., which the Board held under mortgage. In 1919, the Board was given power to purchase land, stock, and equipment, and to enter into an agreement for sale with the settler. The Board virtually advanced the money to the settler, but retained full title under its agreement for sale. The Board was empowered to advance funds as follows:

- (a) To assist in settlement on land purchased through the Board:—
 - (1) Up to \$5,000 for purchase of land.
 - (2) Up to \$2,000 for purchase of livestock and equipment.
 - (3) Up to \$1,000 for building and permanent improvements.
- (b) To assist in settlement on Dominion Lands:—
 - (1) Up to \$3,000 for purchase of livestock, equipment, and permanent improvements.
- (c) To assist in becoming re-established on land already owned:—
 - (1) Up to \$3,500 for removal of encumbrances, such amount not to exceed 50 per cent of appraised value of land.
 - (2) Up to \$2,000 for livestock and equipment.
 - (3) Up to \$1,000 for buildings and permanent improvements.

N.B.—Total advances in Class (c) not to exceed \$5,000.

The Act required a settler to make an initial cash payment of at least 10 per cent of the purchase price of the land, except under special circumstances. Repayment of the balance was required over a period of twenty-five years, in equal annual instalments, commencing not later than three years from the date of sale, with interest at 5 per cent. Settlers were granted a period of two years free of interest from the date of sale on advances for stock and equipment.

Under this legislation, monies were advanced for all types of farming operations, including general agricultural and dairying, fruit farming, poultry farming, pioneer farming operations, etc.

Since its inception, 31,360 settlers have been placed on the land. Loans for land, stock, and equipment have been made to 24,708 settlers. Of this total, 1,447 have been paid up their obligations in full; 11,349 have been cancelled or have given up holdings; leaving 11,912 settlers with loans, on the land at the present time.

The Board's advances included a number of settlers possessing homesteads and soldier grants, who received loans for stock and equipment, permanent improvements, etc. These totalled 3,621.

Of the settlers with loans for land purchase, a number also took up soldier grants which were included in the Board's security.

A large number of settlers entered upon soldier grants under the Act without loans. Soldier Grants of 160 acres more or less, of Crown Lands were issued to ex-service men under the provisions of the Soldier Settlement Act. Exceptions, however, were made of the following, at the Board's discretion:

- (a) Those who purchased land from the Board.
- (b) Those who may have secured advances of money for the clearing of encumbrances on, or the purchase of, or the improvement of, any land.
- (c) Those who already owned, or had an interest in, agricultural land of such area as to constitute an average farm for the district within which the land was situated, or which was of the value of \$5,000.

The total number of Soldier Grant entries without loan is 12,916, of whom 6,652 remain active entries.

This latter class of settlers, though receiving no monetary advances, nevertheless were afforded the benefit of the lower prices at which the Board was able to purchase stock and equipment, and also upon request, were extended the benefit of supervision by the Board.

There are, therefore, over 20,000 settlers still on the land of an original total of 31,360. In addition, it is known that many of those who abandoned land held under the Board, are still engaged in agriculture on other lands, privately owned.

At this point, it is appropriate to mention that the total advances by the Board amount to \$111,447,209.77, and total repayments are as follows:—

Principal	\$29,230,940 90
Interest	13,907,743 55
	<hr/>
	\$43,138,684 45

Of those settlers who have abandoned, or whose entries have been cancelled, the following information is available, from the Soldier Settlement Board, as to the cause of failure:

	Per cent
Death	4.2
Ill-health and recurrence of war disabilities	11.5
Domestic trouble	5.16
Crop failure—drought and other unpreventable misfortunes	15.1
Poor land	3.8
Incompetency, lack of experience	29.7
Poor management, lack of thrift	8.2

EARLY DIFFICULTIES AND REMEDIAL MEASURES

Generally speaking, the Soldier Settlement Act, restricted as it was solely to soldiers, and coming into effect immediately after the termination of the war, must of necessity be regarded as a soldiers' re-establishment measure. With this fact in mind, it will be realized that, in order to avoid congestion, soldiers taking advantage of the scheme, were necessarily placed on the land with a minimum amount of delay. The heaviest expenditures of the Board, therefore, were made in the years 1919 and 1920, at a time when, as subse-

quently shown, land, stock, and equipment prices were substantially inflated. This situation was unavoidably imposed upon both the Government and the settler. Further, the fact that it was known that the Board was in the market, had a natural tendency to further raise the prices of land, stock, and equipment.

The subsequent few years witnessed a startling depression in values, culminating with the serious crop failures in many districts during 1922 and 1923. At this time, it became clearly evident that the loan provision of the Act, while extremely generous, nevertheless, in effect placed many settlers in such a position that to meet the heavy annual payments during this period of deflation, became almost an economic impossibility. In this connection it should be pointed out that the Act authorized loans, which, including advances for stock and equipment, and permanent improvements, often amounted to as much as 140 per cent of the value of the land.

The seriousness of the situation and the necessity for some measure of relief for settlers was recognized by Parliament as early as 1922. In this year, a measure was introduced providing for consolidation of settlers' indebtedness, including interest, taxes, and insurance, incurred before April 1, 1922, and exemption of interest on the consolidated debt, for periods of from two to four years, depending on the date of the original advance, the consolidated debt then to be payable over a period of twenty-five years. The terms of repayment of advances for live stock were similarly changed. This was generally known as the interest remission period.

In 1925, a further provision was brought into effect, providing for a reduction in live stock indebtedness by crediting settlers' accounts as follows:—

- 40 per cent of purchase price of live stock bought prior to October 1, 1920.
- 20 per cent purchase price of live stock bought between October 1, 1920 and October 1, 1921.

During all this time, and notwithstanding these measures, there existed a constantly increasing belief on the part of those in the best position to judge, that the basic cause of the settlers' difficulties lay in the inflated value of land at the time of purchase, and that economic stability could not be obtained without the introduction of some measure which would bring about a re-adjustment of land values. This sentiment culminated in 1927, in the enactment of a provision, setting up machinery whereby, under conditions set forth, revaluation of settlers' lands might be undertaken, any resulting reduction to be credited to settlers' accounts, as of a standard date, namely, October 1, 1925.

The concessions to settlers under these amendments totalled approximately as follows:

(a) Interest exemption amounting to (estimated)	\$10,100,000
(b) Livestock reduction	2,900,000
(c) Revaluation (estimated total in all cases)	7,400,000
Total	\$20,400,000

The latter measure, namely, Revaluation, is still in process of being carried out at the present time.

REVALUATION

Considerable evidence was submitted to the Committee dealing with this subject. Generally, the evidence was to the effect that revaluation to date had been inadequate and in many cases little, if any, immediate benefit was derived therefrom by the settler and indeed that, in some instances, the yearly obligation was increased. The Committee wishes to stress the fact that, as an ameliorative measure, revaluation has only been partially successful. The statement that annual payments had been, in a large number of cases, only to a small extent reduced and, in some cases, increased was clearly shown by the evidence of the Board.

It must be remembered that before revaluation was granted there was a very pronounced agitation amongst soldier settlers and their supporters for a straight capital reduction with the remission of interest. The proponents of this scheme ridiculed physical revaluation as likely to be slow, costly, and ineffective, and the impression was undoubtedly created in the minds of the settlers that it would be difficult for them to get justice from the Exchequer Court. Provision was made in the Act for an appeal by the settler against a decision on Revaluation to a Judge of the Exchequer Court. In the opinion of the Committee, the machinery set up providing for revaluation and appeal is quite adequate and should leave no sound grounds for complaint. The Committee, however, found that in certain cases, there was evidence that the settler had not been properly advised as to his right of appeal and that, apparently, formidable legal difficulties, including the question of expense, has acted as a deterrent. In fact, the impression was prevalent that on the ground of expense alone the settler would not be able to approach that Court. In the resulting atmosphere of this agitation, the preliminary revaluation was made, and there is reason to believe that many settlers in disgust signed a form of concurrence when they were in fact far from satisfied. This dissatisfaction increased when they found that in fact the Court was eminently fair and easy of access.

The Committee recommends that, in any case where it can be shown that the settler has not proceeded with his appeal for reasons such as these, the right of appeal be again extended to him.

There was also evidence before the Committee that, in certain instances, the settler was not properly represented on appeal. Lack of success in appeal was in many cases due to improper presentation owing to lack of Counsel. When The Legion was able to make arrangements for Counsel, good results were secured. The Committee is strongly of the opinion that provision should be made for Counsel in these cases as is provided in pension cases and thus ensure absolutely fair presentation of the case.

The Committee recommends that, where complaint exists on these grounds, such appeals be reopened and that the appellant be represented by counsel, if he desires, at public expense, in a similar manner as in pension appeals.

Cases were brought to the attention of the Committee where, although reduction had been granted upon revaluation, nevertheless such reduction did not apply to reduce the settler's indebtedness at all. This situation arose in cases where the value of the land was in excess of the Board's equity and where the reduction on revaluation was not sufficient to reduce the value to the amount of the Board's equity. This, the reduction was applied solely against the settler's equity over and above that of the Board.

It is recommended by the Committee that in such cases the reduction be applied pro rata on the equity of the Board and of the soldier.

A statement of Revaluation to date is as follows:—

Number eligible.....	10,697
Number applied.....	8,322
Number giving consent to award.....	5,688
Number neither agreeing nor disagreeing with Board's award.....	1,126
Applications withdrawn.....	187
Cases outstanding.....	1,053
Number of appeals.....	286
Settled out of Court or during Court sitting.....	141
Decisions against Board.....	15
Appeals to be heard.....	130

PERSENT STATUS OF SETTLERS

The Board has classified the settlers now on the land as follows: (Estimated amount pending Revaluation Awards are deducted).

	Number of Settlers	Total Loans	Average Loans
Grade 1.....	3,926	\$ 9,110,746 40	\$ 2,320 62
2.....	3,201	10,174,235 85	3,178 46
3.....	3,163	11,804,382 84	3,732 02
4.....	1,622	7,218,633 77	4,450 45
Total.....	11,912	\$38,307,998 86	\$3,215 92

Grade 1 represents settlers practically sure to succeed.
 Grade 2 " good progress.
 Grade 3 " fair progress (barely holding own).
 Grade 4 " poor progress (likely to fail).

This classification, of course, does not include those who have paid their loans in full.

It will be seen from these figures that there are some 4,700 odd settlers whose situation is admittedly precarious.

The Committee is of the opinion that everything possible should be done to prevent further loss of settlers. It is pointed out that these men, in the great majority of cases, have been on the land for ten years or more, and that almost all now have family responsibilities. Further, it will be admitted that the period of time so spent represents, for re-establishment purposes, the most valuable years of a settler's life, and the Committee is of the opinion that the difficulties attendant upon starting afresh any substantial number of settlers in new vocations would not only be very great, but, in the national interest, should be avoided if at all possible.

The Committee is of the opinion that a large number of settlers in grades 3 and 4 could raise themselves to a much sounder position, if steps are taken to reduce by some means the heavy annual payment, and to improve their morals. Proposals to this end are to be found later in this report. In this connection, your Committee was impressed with the plight of the settlers who, subsequent to revaluation, and the reamortization of their loans, are called upon to make larger annual payments for the remaining term of their agreement than when they first commenced operations. As previously stated, this fact is admitted by the Board.

As an immediate measure of relief, the Committee is pleased to report that during its deliberations the Board has made provision whereby settlers in difficulties may enter into a supplementary agreement with the Board providing for the waiving of all payments, other than interest, insurance, and taxes for a period of years. Copy of these instructions is attached. (Exhibit A-49.)

SECURITY OF TENURE

In the evidence presented to the Committee by and on behalf of settlers, considerable feeling, bordering on hostility, to the Board was in many cases clearly manifested. The criticisms levelled dealt largely with the general attitude of the Board to the settler particularly in regard to methods of collection. These complaints may be roughly classified as follows:—

That collections are considered to be of more importance than the welfare of the settlers;

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- That by various methods unduly harsh tactics are used for collection purposes;
 That the settler's morale is seriously affected by the threats of foreclosure and resulting insecurity of tenure;
 That the original plan of properly supervised settlement has been largely impaired.

While the Committee fully realizes that the evidence taken does not by any means cover the relationship between all settlers and the Board, nevertheless, sufficient information was disclosed to warrant consideration as to whether existing methods and procedure are in the best interests of the Board and the settler. There was evidence of the use of severe collection methods in certain specific cases cited. The Committee is free to admit that after hearing all sides of the question, the attitude of the Board in at least some of these cases was justified. The Committee has no sympathy with, and asks no consideration for, a settler who makes no earnest attempt to meet his obligations. The Committee is also seized of the fact that some method for regular and systematic collection must be maintained, if the scheme is to succeed.

On the other hand, the Committee finds it difficult to escape the conviction that, having regard to the extraordinary powers possessed by the Board in the matter of seizures, cancellation, and foreclosure, the Board's methods in many cases have exercised an unfortunate effect upon the morale of certain settlers, who, under the most severe sort of difficulties, have been honestly endeavouring to do their best.

It should be explained that under the Soldier Settlement Act the Board has remedies at its disposal far more drastic than those applied in ordinary business practice. It is possible, under existing legislation, for the Board to institute and complete foreclosure proceedings in little more than thirty days. Moreover, the Board is vested with special powers of seizure and sale; and by statute is given preference over all other creditors. In this connection, it was made clear by the evidence that district offices of the Board are vested with the power to institute foreclosure proceedings, without reference to head office; and further, although notification of foreclosure proceedings is in all cases reported to head office, nevertheless, the district offices have power to complete the proceedings, unless otherwise directed from head office.

It is by no means suggested that the Board make a constant practice of giving full and actual effect to these powers. The Committee is convinced that the contrary is the case. It is, nevertheless, undoubtedly true that the threat to exercise these powers is widely used as a method of collection, and when it is remembered that such a large proportion of settlers are, in varying degrees, in arrears, and are therefore subject to these collection methods, the existing hostility towards the Board may be largely explained. The Committee can well understand that to an honest and well-intentioned settler, who, after many years of effort, finds himself unavoidably in default, the constant fear of summary cancellation must be demoralizing in the extreme. This situation was referred to by witnesses with considerable aptness as "insecurity of tenure." The Committee is convinced that this feeling undoubtedly exists in many cases and necessarily leads to apprehension and distrust, and in all probability acts in many cases as a deterrent to the settler's best efforts.

Having regard to the foregoing, and also to the Committee's opinion previously expressed, namely, that in view of the fact that the scheme is essentially a re-establishment measure, carrying with it national responsibility, and in view of the length of time settlers have now been on the land, and also the serious difficulties attendant upon further re-establishment in some other vocation, the Committee recommends that cancellation and foreclosure proceedings, or the threat thereof, be not

resorted to in any case, except where there is wilful default on the part of the settler. The Committee further recommends that extreme care should be used to avoid demands for payment which, if enforced, would tend to cripple the settler's operations and impede his progress or prospects.

SUPERVISION AND COLLECTION

It is further made clear by the evidence that the duty of making collections from settlers is entrusted to the Board's Supervisors, whose primary function, however, is to advise and assist the settler, and who are selected upon qualifications suited for this purpose. It was claimed before the Committee that supervision as originally intended has gradually become subservient to collection, and that Supervisors have made a practice of pressing for payment of sums which, if paid, would leave the settler without sufficient resources for himself and family, and without provision for the next season's operations.

From the beginning, the Board adopted a policy of supervision of its settlers, the object being to assist them to a high standard of efficiency in farm management, which it was hoped would be reflected in regular and substantial payments each year. Agricultural supervision was carried on until 1925, when it became necessary for the Board to divide the attention of its field staff between soldier settlers and general land settlement activities. Your Committee finds from the evidence that supervision of soldier settlers was adversely affected by this division of duties at a time when it was much needed, and that the consequent unavoidable inability of the Supervisors to carry out effective supervision provides ample explanation for the conviction in the minds of many settlers that supervision has become secondary to collection.

Your Committee is of the opinion that a more scientific type of supervision required whereby settlers in grades three and four will receive the benefit of much of the practical and scientific knowledge of the Board which should be applied to the actual operating problems confronting the settler. Supervision of this type should contemplate having settlers plan and carry out each season's operations to the very best advantage, utilizing as far as possible the most up-to-date scientific knowledge and methods. Your Committee, therefore, recommends that such a type of supervision be introduced, particularly in connection with settlers in grades three and four.

In this connection, the Committee is pleased to report that during its deliberations, instructions have been issued by the Board to its Supervisors to undertake close supervision of a limited number of settlers in each district in an effort to assist them to improve their position. The Committee's recommendation as set out above will, if given effect, extend the benefit of scientific supervision wherever required.

REMISSION OF INTEREST AND EXTENDED RE-AMORTIZATION

Having regard to the inadequacy of revaluation as a source of immediate assistance to the settler, as previously shown, further remedies most widely proposed to the Committee, particularly in regard to grades three and four settlers, fall under the above heading. The suggestions heard by the Committee varied from total remission of interest to remission over a period of years and included a proposed reduction in the present rate.

The Committee is of the opinion that in a large number of cases, particularly in grades three and four, success is impossible unless there is a substantial reduction in the amount of the annual obligation. Some relief might be accomplished by extended reamortisation or a partial or complete rest in annual pay-

ments. These measures, however, while granting temporary relief, have also the negative effect of postponing increase in the settler's equity and, for this reason, can only be said to be temporary and unsatisfactory expedients.

Your committee finds, and believes, that the evidence will amply support the finding that settlers in grades three and four are in a precarious condition and, under existing conditions, many are bound to fail. It can be frankly admitted that, in many cases, failure will be due to the settler's own inefficiency, or unwillingness, or inability to adapt himself to circumstances, but in the majority of cases, the failure will be due to the fundamental economic faults in the scheme itself, to which reference has already been made. (The scheme, it may be remarked, was not asked for by the soldiers themselves but was offered as a re-establishment and colonization project by the Government of the day). It will be found, when the facts are examined, that the average loan to the class one and two settler is much less than the average loan to the class three and four settlers. It is, therefore, a reasonable inference that many of the latter classes are carrying a burden beyond the capacity of the average farmer. Statistics of the United States Department of Agriculture over a period of ten years show the net return of a farmer's income after deducting the operating expenses, labour, and taxes, to be about $7\frac{1}{2}$ per cent of the invested capital. Our settlers under existing contracts are required to pay 5 per cent and 4 per cent on repayment of capital, which capital, in many cases, represents 140 per cent of the value of the realty. If the United States figures are accepted as approximately correct, it might reasonably be inferred that the settler is expected to perform the impossible; that is, in the case of the large loans.

The result is that large numbers of these men now find themselves, after ten years of continuous effort, really worse off than when they went on the land, and no longer young, faced with the possibility of having to start life anew to provide a living for themselves and family. This unfortunate situation embitters them and compels them to ask for such drastic remedies as total remission of interest and other speedy methods of relief without regard to economic facts and general results. Their condition arouses the sympathy of their neighbours, as is evidenced by resolutions from the legislative assembly of the province of Manitoba and from the United Farmers of Alberta, in fact, your Committee finds that the situation of these men is such as to cause widespread and, to some extent, justifiable dissatisfaction and unrest among the settlers themselves, and widespread sympathy and resentment among their friends and neighbours.

Your Committee in the time at its disposal and with the limited amount of evidence available is not in a position to give unqualified approval of the broad and insistent demand for remission of interest, but does find that without doubt, due to the fundamental unsoundness of the scheme, great hardship exists among many of these settlers, and that a means of alleviating this condition must be found.

The Canadian Legion has no desire to bonus the shiftless one but must, and does, insist on justice for the willing man who finds himself in a hopeless position after years of labour, following years spent in the service of his country. The Committee feels that it has performed its duty when it asserts, as it does assert, that there is an unhealthy economic condition existing in connection with the Soldier Settlement problem; that hundreds of good men are struggling for a livelihood under very difficult conditions; and that the country which conceived the scheme and developed it owes it to these men to correct the condition by such measures as will neither tend to bonus indolents nor induce shiftlessness, yet will give to the willing, hard-working man some hope of ultimate success.

With the information now available to the Parliamentary Committee, now in session, and which Committee will have full access to the books of the Soldier Settlement Board and other information available, some scheme could—the

Committee is convinced—be evolved which will meet the situation; and the Committee feels that it will be very unfortunate if this session of Parliament is allowed to pass without earnest consideration being given to the problem herein presented.

While refraining from making any specific recommendation on the request for remission of interest, feeling that the general information at the disposal of the Committee is not sufficiently extensive to warrant it in doing so, the Committee would respectfully submit that the conditions among settlers in classes three and four are such as to warrant a very close inquiry, and some immediate remedial action to save to the country the services of these men and to preserve the original investment. Without committing itself, therefore, to any specific recommendation, the Committee offers the following suggestions for consideration:—

(1) That, as the Committee is informed that to date the country has received only 3·2 per cent interest on the investment, the interest rate might be stabilized about that figure for the balance of the term of agreement, or extension thereof. The Committee understands that a similar rate is now being charged by the Canadian Pacific Railway Company on its land contracts.

(2) That, the Committee is informed that the Canadian Pacific Railway Company has, as a business proposition, found it desirable to reamortize its contracts over a period of thirty-four years; and it might properly be considered whether this could not be done in soldier settlement contracts.

(3) The adoption of the foregoing suggestions would reduce the annual payments by about one half which would be an incentive to the really willing man to go on. The inefficient individual would be revealed and should be removed.

(4) *Special Cases.*—The Committee believes that specific consideration should be given to men who are truly pioneers. Settlers who have gone into heavily timbered areas where land for cultivation can only be made available after years of labour should be given some consideration. The man settled on such land, which can only be made productive after years of labour, can hardly pay interest from the outset; thus, by the time his farm becomes productive, the load of interest is so great that there is little likelihood that he will ever overcome the burden. It is respectfully submitted that, when year by year a man has made steady progress in clearing the land and opening new areas for settlement, his efforts might be recognized by some remission of interest.

(5) Consideration should be given to the position of men who have gone on land and, after years of hard work, have broken down either as a result of war disability or from disability primarily due to war service and some provision made whereby they can be relieved from some definite portion of the liability to the Board.

CROP SHARE AGREEMENTS.

Evidence was brought before the Committee showing that, in certain instances, the Board had demanded from settlers crop share agreements calling for delivery of as high as one half of the total crop. It was explained by the Board that, in some instances, such agreements were necessary—particularly where the crop formed only a minor portion of the settler's entire operation. The Committee, while realizing that necessity may exist for the obtaining in certain instances of crop share agreements, nevertheless, would respectfully

Recommend that the Board should not depart from the ordinary business practice of the country, and that in no case should the payments exceed one-third of the crop; and, further, that, where such agreements are obtained, the enforcement thereof should always have due regard to the living requirements of the settler and his family, and to his requirements for the following season's operations.

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FIXED BUSHELAGE AGREEMENTS.

Evidence was produced to the Committee showing that, in certain instances, the Board required the settler to enter into an agreement whereby he undertook to deliver a specified number of bushels to the Board; and, where such agreements were entered into before the crop results were known, it was stated that such agreements had in certain cases been fully enforced, even though the crop returns were much less than estimated.

The Committee, while not convinced that the practice referred to is generally in use, is nevertheless of the opinion that the use of such agreements should be discontinued as being conducive to inequitable results and tending to arouse animosity on the part of the settler.

CREDIT OF SETTLER.

Evidence was received from several witnesses, appearing before the Committee, who complained that the credit of a settler was seriously affected in his community by reason of the fact that the Board held first security on land, stock and equipment, and was also by Statute entitled to preference over all other creditors. On the face of it, this complaint appears to merit consideration as, undoubtedly, the facts are as stated. In view of the Board's preferred position,

The Committee recommends that, in genuine cases of necessity, the Board should either supply the necessary credit or should assist the settler to get it.

It should be stated, however, that there is evidence that this practice is carried out by the Board at the present time.

RE-LOCATION.

Representations were made to the Committee that, under certain conditions, settlers ought to have afforded to them the right of re-location. It is to be observed that provision to this effect already exists under The Soldier Settlement Act, but the practice of re-location has, during the last few years, been almost entirely discontinued. There was evidence of cases of settlers on land definitely shown to be economically unproductive; and further cases where, by the encroachment of foreign settlers, virtual isolation had occurred.

The Committee recommends that, in these two classes of cases, the right of re-location should be extended.

RE-SALE.

The Committee heard representations to the effect that, upon re-sale by the Board of a cancelled holding, the settler's equity should be more adequately protected. In this connection, the Board gave the assurance to the Committee that in such cases, the settler's equity was reimbursed to him as soon as the re-sale had been shown to be upon a satisfactory basis; and, further, that in cases of sickness and distress, special consideration was afforded and settlers were reimbursed at an even earlier date.

The Committee desires to stress the fact that the Board is in the position of dual trusteeship in such cases,

And recommends that, in making sales, the Board should take every precaution to protect and preserve the settler's equity equally with that of the crown.

SOLDIER SETTLERS' HEIRS.

The Committee heard representations to the effect that heirs of settlers should be permitted to carry on after their decease. On this point,

The Committee was assured by the Board that such was the invariable practice, unless it was absolutely certain that the heirs would be unable to make a livelihood.

RETURN OF THE PERCENT DEPOSIT

Recommendations were received by the Committee to the effect that in cases where settlers had been obliged to abandon, by reason of disability or other cause not due to the fault of the settler, the original cash deposit should be returned.

Bearing in mind the difficulties of the transition period after abandonment, the Committee recommends that the Board be empowered to carry out this suggestion in its discretion, dealing with each case on its merits.

SOLDIER GRANTS

Evidence was heard by the Committee requesting rescission of the provision of the Soldier Settlement Act, which bars settlers from securing soldier grants in cases where such settlers are wholly or in part owners of land to the value of \$5,000, or more. It was stated that the value of the land had proved to be a sufficient bar, even though the settler's actual equity was exceedingly small.

Originally, the issuing of soldier grants was entirely within the discretion of the Soldier Settlement Board, the present limitation having been put into effect in or about the year, 1919.

After due consideration, the Committee is of the opinion that the limitation ought to be removed, leaving full discretion to the Soldier Settlement Board, as in the first instance.

CROWN LANDS AND BREAKING LOANS

The Committee heard evidence to the effect that settlers on Crown Lands were frequently found to be labouring under heavy handicaps due to difficulties in bringing under cultivation sufficient land.

The Committee recommending that where reasonable development is being retarded by lack of sufficient resources the Board should assist in these cases by making necessary advances for breaking or clearing.

TAXES

The Committee's recommendation in this regard is shown in its interim report, adopted by the Convention and attached hereto. In this connection, it should be pointed out that the Board is not under obligation to pay taxes on behalf of the settler. The recommendation is based on the fact that, where the Board finds it advisable to pay taxes, every effort should be made to minimize penalties.

DISCRIMINATION

It was suggested in evidence before the Committee that instances had occurred in which settlers had been discriminated against by the Board officials by reason of their activities in Canadian Legion affairs.

The Committee would be extremely reluctant to give credence to these suggestions, and was greatly relieved to have the assurance of the Board that, if any such cases could be shown, the offender would be severely dealt with.

STATUS OF SOLDIER SETTLEMENT BOARD STAFF

Your Committee has considered a resolution, which has been re-affirmed at succeeding Dominion Conventions for many years, relating to the uncertain status of the staff of the Soldier Settlement Board.

At least 90 per cent of the male staff of the Board are ex-service men, totalling 360, with a large proportion of disabled. Most of these ex-service men have worked for periods of ten years or more with the Board, thus spending their most vital re-establishment years in the service of the Government.

During the years 1919-20, when actual settlement work was at its height, the number of employees reached approximately 1,500. By 1927, the number was reduced to 500 and has remained approximately at that figure ever since. It is, therefore, reasonable to assume that the present staff is necessary to carry out the work efficiently.

Your Committee is convinced that the work of the Board in administering an estate approaching 70 millions will continue for at least another twenty-five years and is, therefore, of the opinion that the services of the present staff will be required without any great reduction for many years to come.

It, therefore, recommends that immediate steps be taken to place the staff of the Soldier Settlement Board on a permanent basis.

Your Committee hears with extreme alarm that there may be reorganization with the result that the Board may be reduced to the status of a Collection Agency. While quite prepared to grant that the scheme has not been an unqualified success, yet the fault is not due to the Board or its personnel. The Committee understand that the whole scheme has been thoroughly examined by competent Auditors; and the opinion has been expressed that the Board is a highly efficient organization. The Country, regardless of the success or otherwise of the Scheme, owes it to these men who are struggling on the land that they receive the co-operation and assistance of a body qualified and able to assist. To leave these men now at the mercy of a Collection Agency would be highly undesirable, even cruel. Therefore, to secure the necessary organization to carry on the Scheme to its ultimate end, the Committee desires that the staff may be assured as to their permanent status. The Committee regards this as a subject which should be considered by Parliament during the session, this year.

Evidence was received by the Committee in connection with the following subjects:—

- (1) Recovery of Pre-emption Dues
- (2) Removal of Liens on Homesteads
- (3) Area "A".

While these matters have only an indirect bearing on the soldier settlement question, it has been thought advisable, as a matter of convenience, to deal with them in this Report.

RECOVERY OF PRE-EMPTION DUES

A resolution was referred to the Committee relating to the return of dues paid by the soldier settlers for pre-emptions prior to July, 1919, at which time, it became possible to convert a pre-emption into a Soldier Grant under The Soldier Settlement Act, and thus escape payment of pre-emption dues under the Dominion Lands Act.

The Committee learns that the Government is at present considering this matter and that favourable action may be taken in the near future.

REMOVAL OF LIENS ON HOMESTEADS

Evidence was heard by the Committee indicating that many settlers on Crown lands were encountering difficulties in connection with liens charged against their land, representing considerable amounts owed by previous occupants for various benefits received in the form of seed grain, Provincial or Municipal relief.

Representations were made that, in the case of ex-service men, these liens should be removed. The Committee learns, however, that these charges are statutory under the Dominion Lands Act; and that the consent of Provinces would be required in regard to any legislative changes affecting their rights.

The Committee is informed, however, that in order to meet this situation a Seed Grain Board has been formed in each Province, comprising a representative of the Dominion Government, the Provincial Government, and the municipality, whose function is to investigate all cases where objection is raised to the amount of the lien. This Board has power to adjust or remit charges of this nature.

The Committee recommends that ex-service men having difficulty in regard to Liens on their property of this nature should take steps to bring their cases to the attention of The Seed Grain Board.

No legal assistance is required in this connection and, should any ex-service man be uncertain as to how to proceed, he should submit his case to the Dominion Service Bureau of The Canadian Legion at Ottawa.

AREA "A"

Certain witnesses complained that a large area of Crown lands in southern Saskatchewan and Alberta was being withheld from homestead entry excepting to those who were already located within nine miles of the land upon which it was desired to make entry.

The explanation for this restriction is that this area, officially known as Area "A," is subject to drought over long periods and successive settlement efforts have succumbed to this condition. Legislation was then passed, withdrawing the whole area from homestead entry. Later concessions were made, but only to those who have already demonstrated ability to farm in this area, under the conditions mentioned.

In view of the fact that these lands will shortly come under Provincial control, your Committee is of the opinion that future disposal will be a matter for the Provincial Governments to decide.

CONCLUSION

Before concluding its Report, the Committee desires to again emphasize certain fundamental features of the Soldier Settlement Scheme which, while intended for the benefit of the settler, have undoubtedly had a retarding influence on the progress of a large number and make it impossible to regard the Scheme as an ordinary business undertaking.

The established loaning practice in Canada, after long years of experience is based on certain very definite considerations. To obtain a loan from a mortgage, insurance, or trust company, or a private lender, the borrower must have at least a 50 per cent equity in his land; he must own his stock and equipment, free of any extensive indebtedness; he should have personal experience as a farmer; his character as a responsible citizen is also considered. In connection with soldier settlement, Parliament instructed that practically all of these considerations should be overlooked. A large proportion of the settlers,

therefore, commenced their operations with an indebtedness of up to 140 per cent of the value of their realty, while a large number had only a cursory knowledge of farming.

The Committee points out again that many soldier settlers, following reamortization after revaluation, are now required to meet annual interest charges of 5 per cent, plus a Capital reduction payment of approximately 4 per cent. Your Committee believes that the position of agriculture throughout Canada is such that only in exceptional cases is there an annual return of approximately 9 per cent on capital outlay. With such a heavy load of debt, and with the sound principles of loaning practice intentionally violated for the most laudable reasons, it is not only desirable, but essential, for the ultimate success of the Scheme that the most lenient consideration be given the settler.

Some of the Committee's recommendations are based upon the opinion that less stress should be laid upon the possibility of making payment to the Board, when the settler is in financial difficulties; and that a broader vision should be adopted in administration in the conviction that the Scheme can only ultimately succeed if a policy of making haste slowly in the repayment of loans is put into effect. Too great pressure on settlers as a whole may ruin the country's whole investment in the Scheme, which would be as essentially foolish as is every penny wise and pound foolish policy. The Committee, therefore, suggests that the efficiency of the Board and its local officials be gauged less from the amount of payments collected, and more from the general welfare, happiness, and contentment of the settlers.

The Committee is emphatically of the opinion that, as a matter of national responsibility, every effort should be made to ensure the success of all soldier settlers who are now on the land, and particularly that considerable body of settlers who find themselves at present in a precarious position.

The Committee desires to express keen appreciation, on behalf of The Canadian Legion, for the well disposed attitude of the Board—expressed through Major E. J. Ashton, D.S.O., at Regina, in suspending all foreclosure proceedings pending completion of this Report, except in the most exceptional and unavoidable circumstances. This action reflects a spirit of co-operation and good-will in which the Committee has every reason to believe the Board desires to conduct all its business with the individual settler. The Committee is greatly indebted for information provided to it by witnesses, who appeared for examination, and to the Board for its attendance at the hearings in the person of Major Ashton, who openly and frankly gave full information on all questions asked. Major Ashton was good enough to obtain and furnish the Committee with the most complete information on all cases cited. It should also be added that all files and records of the Soldier Settlement Board were made available to the Committee without reserve.

The Committee also desires to acknowledge the kind assistance of Brig.-General A. Ross, C.M.G., D.S.O., Dominion Vice-President of The Canadian Legion of the B.E.S.L., whose generous and able advice has greatly facilitated the completion of this Report.

The Committee earnestly desires that this Report may materially assist in dispelling any existing feelings of misunderstanding between the settler and the Board, and in bringing about that degree of mutual co-operation and good-will which is essential to the success of the entire undertaking. On all counts, the country at large stands to gain by the success of the settler. In the settler himself, the Committee has full confidence that he has the will to succeed and has not lost his old ability to respond to encouragement and fair treatment. It

respectfully and earnestly recommends to the Board and to each individual settler that a closer and deeper appreciation of the problems and difficulties of each other be essayed.

All of which is respectfully submitted.

For the Committee:

H. C. FARTHING,
A. E. POTTS,
J. R. BOWLER, *Chairman.*

April 22, 1930.

It is necessary to record that Mr. R. A. Payne, a member of the Committee, has reported that, after due consideration, he is unable to concur with this Report insofar as the recommendations regarding certain remedial measures are concerned. Mr. Payne's correspondence and comments are being transmitted in full to the Dominion President.

J. R. BOWLER.

INTERIM REPORT OF THE SPECIAL COMMITTEE OF THE CANADIAN
LEGION ON SOLDIER SETTLEMENT, SUBMITTED TO THE
DOMINION CONVENTION, REGINA, NOVEMBER, 1929

At this stage the Committee is still engaged in taking evidence from representatives of the Soldier Settlement Board.

Notwithstanding continuous sittings, it is now clear that the Committee will not be able to present a final report prior to the adjournment of the Convention. Sufficient time is not available for the transcription, and requisite study of the large volume of evidence taken.

The Committee is able to state, however, that sufficient information has been obtained to warrant the early and serious interest of the Canadian Legion in the problems arising from Soldier Settlement.

Information has been given to the Committee dealing with many phases of the matter, chief among which are the following:

1. Provision for settlers labouring under conditions where success is apparently financially impossible.
2. Adequacy of measures for above purpose now and previously applied, i.e. revaluation and remission of interest.
3. Difficulty and uncertainty due to insecurity of tenure.
4. Adequacy of information concerning revaluation and appeal procedure.
5. Difficulties in connection with appeals to Exchequer Court, and the disadvantages of the settler in the matter of legal representation and attendance of witnesses.
6. Improvement of relationship between Board and settlers.

Many other phases of a miscellaneous nature have also been disclosed.

The Committee is able to recommend that organizations of Municipalities be approached with a view to arranging for deferment of penalties on taxes in the case of Soldier Settlement lands for not less than three months after due date. Further, that in cases where the Soldier Settlement Board have definite knowledge of the inability of the settler to meet his taxes, payment by the Board be made in sufficient time to avoid penalty."

EXHIBIT A-49

COPY OF LETTER PUT IN EVIDENCE BEFORE THE SPECIAL COMMITTEE OF THE
CANADIAN LEGION ON SOLDIER SETTLEMENT, REGINA, NOVEMBER, 1929

JGR-K

(This letter sent to all District Superintendents)

OTTAWA, 10th January, 1930.

DEAR SIR:

Re Annual Payments—Grades 3 and 4 Soldier Settlers

At the recent conference, the best method was discussed of dealing with soldier settlers whose payments were not to be lessened by revaluation. It can be taken that it was anticipated and presumed that revaluation would assist the soldier settler so that his annual payments would be less than they were before revaluation.

It has been found that the effect of reamortization after the revaluation credit, in some cases, has been to increase the annual payment, for the reason that the account was so badly in arrears. It would now appear necessary to evolve some plan that would help settlers who find themselves placed in this position.

Under certain conditions set out in the Soldier Settlement Act and the Regulations under which the Board operates, the Board has certain powers affecting repayment. One of these is that the Board has power to make conditions it may desire as to the amount of annual payments, provided that these conditions provide for the repayment of the loan at the end of the agreed period.

The Board will consider the following method of repayment when recommended by the district office: the annual payments of interest only for a term of years—say from five to ten years—together with taxes and insurances, the principal sum due to be deferred from year to year; the settler to have the right at any time to make payments on principal, and the annual payment of interest to be the interest on the amount of principal that shall from time to time remain unpaid.

District offices will make a careful and considered survey of all their Grades 3 and 4 settlers, taking into consideration their present situation and their future possibilities. I feel satisfied that a number of settlers, with these reduced annual payments, could so improve their holdings that in five or ten years, they would be in a position to meet payments on principal as well as on their interest.

As the district offices make this survey they will forward their recommendations to Head Office for final action.

To follow the legal expression, let "weight of evidence" rest in favour of the settler, because it may be possible to save a number from having to abandon their land who, under present conditions, seem headed for failure.

Yours faithfully,

(sgd) J. G. RATTRAY,

Chairman.

Colonel C. CHALMERS-JOHNSTON, D.S.O.,
District Superintendent,
Soldier Settlement Board,
Vernon, B.C.

APPENDIX No. 19

SUMMARY OF COMMENTS OF R. A. PAYNE, BRITISH COLUMBIA
MEMBER OF THE CANADIAN LEGION SPECIAL COMMITTEE
ON SOLDIER SETTLEMENT, WHICH HE DESIRES TO BE CON-
SIDERED AS A MINORITY REPORT.

REMISSION OF INTEREST AND EXTENDED REAMORTIZATION

There is no evidence of a soldier settler making a financial success of his undertaking, paying the Soldier Settlement Board, and at the same time living decently from the proceeds of the farm alone without other resources. Seventy per cent of the settlers attempted to start farming on a shoe string, and it is general opinion that no one can make good under such conditions. There are 50 per cent fewer settlers on the land today than when the Scheme was inaugurated. Add to this the settlers in grades III and IV, and there are approximately 70 per cent failures.

Most soldier settlers are also engaged in other work from the proceeds of which they make their payments to the Board. Investigation would probably show that the 1,447 settlers, who are paid in full, have met their obligations from other sources than from the operation of their farms.

As a re-establishment scheme, soldier settlement has not been a success and the conditions, under which it was inaugurated, make it economically impossible to succeed unless there is an immediate full measure of relief not only to grades III and IV but to many in grades I and II. A recommendation for relief for grades III and IV is highly commendable but by leaving out grades I and II many admittedly good settlers who qualified for such grades through extraordinary sacrifice would be penalized. There would be difficulty in getting acceptance of such a general relief scheme (one or two cases of grade I settlers who have fallen into arrears are quoted). If there can be segregation of those who have not at any time been dependent on the operation of their farms, obtained from the Soldier Settlement Board, for their livelihood, then it should be done and relief should be extended to all others.

Farming conditions in British Columbia are entirely different to any other Province, owing to the greater portion of it being heavily timbered and costing from two to four hundred dollars per acre to clear.

Recommendation.—That there be a complete cancellation of all interest charges, with a reversion to principal account of all sums already paid on account of interest, and that this provision apply to all accounts notwithstanding the Board's classification of settlers in grades I, II, III, and IV.

Disapproval is expressed by Mr. Payne of the Board's action in arranging for supplementary agreements, waiving payment of principal for five or ten years, on the ground that such a measure gives no actual relief but only temporary respite from collections. Mr. Payne is in agreement with the Majority Report that such a partial rest in payments does not offer much hope to many settlers of increasing their equity. Disapproval is also expressed in regard to the proposal for an extension of the period of repayment.

Regarding an expert economic survey, Mr. Payne states that, though B.C. has in the past made such a suggestion, it is not now looked on with favour. Belief is expressed that the people and the Press are pretty well conversant with the situation and, therefore, cannot The Legion convince the Government without the expense of a survey?

REVALUATION

The revaluation scheme was strongly opposed at the Dominion Convention of The Legion at Winnipeg. Subsequent events have proved the contention of The Legion that such a measure could not give adequate relief.

In British Columbia, the procedure established by the Board of acquainting a settler of the amount of his revaluation award by letter was not adhered to in a number of cases, but the notice was given verbally to the settler by the Board's officials, whose apparent zeal to get the work completed constrained them to give only meagre or misleading information respecting the right of appeal.

Recommendations.—That in all cases wherein the procedure, as established by the Board of advising the settler by mail of the ward recommended, has not been adhered to, such cases be reopened.

Mr. Payne gives general approval of the other recommendations regarding revaluation in the Majority Report, but also recommends the following in regard to mortgagors and new applications:—

Re Mortgagors.—That settlers whose loans from the Board are by way of mortgage be extended the benefit of the revaluation measure.

Re New Applications.—That all settlers, who did not make application for revaluation, be advised by the Board that application may yet be made.

SECURITY OF TENURE

Approval is given to the recommendations in the Majority Report regarding security of tenure with the addition of the suggestion that any further notices of intention to rescind be also forwarded to the Provincial Command of The Legion in the Province affected.

STATUS OF SOLDIER SETTLEMENT STAFF

"I think it very much out of place coming from the Committee on Soldier Settlement."

SETTLERS' HEIRS

Mr. Payne is impressed with the necessity of some provision being made for widows, left with families, but makes no special recommendation. He urges consultation with the Board as to a suitable measure for submission to Parliament.

Mr. Payne is in general agreement with the Committee on all other questions dealt with in the Majority Report.

APPENDIX 20

THE SOLDIER SETTLEMENT BOARD OF CANADA

OFFICE OF THE CHAIRMAN,

OTTAWA, March 29, 1930.

A conference was held in the office of the Honourable Chas. Stewart on Friday, March twenty-eighth, nineteen thirty, at which were present the Honourable Chas. Stewart, Acting Minister of Immigration and Colonization; the Honourable Chas. Dunning, Minister of Finance; W. J. Egan, Deputy Minister of Immigration and Colonization; J. G. Rattray, Chairman, Soldier Settlement Board; D. L. Mellish, President, Manitoba Union of Municipalities; D. D. McDonald, Secretary-Treasurer, Manitoba Union of Municipalities; G. H.

Hummell, President, Saskatchewan Union of Municipalities; J. J. McGurran, Secretary-Treasurer, Saskatchewan Union of Municipalities; J. Gair, President, Alberta Union of Municipalities; E. Pinchbeck, Secretary-Treasurer, Alberta Union of Municipalities.

The purpose of the conference was to discuss the taxation of lands where the title is in the Crown in the name of the Soldier Settlement Board.

The lands are in three classes:

(a) Those sold to and occupied by—

- (1) Returned Soldiers,
- (2) Families under the Three Thousand British Family Scheme,
- (3) Civilians who purchased.

(b) Lands vacated by any of the above-mentioned under (1), (2), or (3) and now under lease.

(c) Lands vacated by any of the above-mentioned under (1), (2), or (3), but vacant and unoccupied.

The existing arrangement as to the Board paying taxes on Class (a) above are to continue under the following conditions:

(a) All taxes due as at December 15, 1929, are to be paid as follows:—

- (1) In Province of Manitoba—Taxes plus 3 per cent penalty to be paid by March 31, 1930. A balance of 7 per cent penalty to be paid on or before September 30, 1930.
- (2) In Province of Saskatchewan—Taxes plus two per cent penalty to be paid on or before March 31, 1930. A balance of 6 per cent penalty to be paid on or before October 31, 1930.
- (3) In province of Alberta—Taxes plus two per cent penalty to be paid on or before March 31, 1930. A balance of 3 per cent penalty to be paid on or before June 30, 1930.

Payment of taxes levied for 1930 and future years to be payable at par if paid on or before January 31 following year of levy. This agreement to continue until either the Government through the Soldier Settlement Board, or the Municipal Unions give twelve months' notice that this question should be reopened.

Class (b) Lands. The present arrangement as to payment of taxes are to stand. The Soldier Settlement Board to advise the municipality concerned from time to time as to what lands are under lease.

Class (c) Lands. The Soldier Settlement Board is to sell either by tender, private sale, or auction, at an upset price all unleased and submarginal lands on or before July 1, 1930. Any of these lands not so sold to be disposed of under a policy to be laid down by the Minister in Charge.

All leased lands are to be sold if possible to do so before December 31, 1930, except where they are leased for a term of years. At termination of lease they are to be sold.

No lands, except those leases already entered into, are to be leased for 1931, except where no sale is made in time to keep the land in its then present state of cultivation.

Lands which may in future revert to the Board through cancellation of contract to purchase are to be sold as soon as possible after such reversion.

(Signed)

W. J. EGAN
J. G. RATTRAY
J. GAIR
J. J. MCGURRAN.

APPENDIX 22

RE SUPERANNUATION AND PERMANENCY OF STAFF OF SOLDIER SETTLEMENT BOARD

The Superannuation Act of 1924 was intended to cover all permanent positions in the Civil Service and at present covers about 25,000 employees. A percentage of the Soldier Settlement Board employees are asking that they be added to this number.

A draft Bill was prepared for submission to Parliament last session to make employees, who are occupying positions of indeterminate duration, permanent, but the Bill was withheld till the Audit Board of Canada could investigate and report on the work of the Soldier Settlement Board. The report of the Audit Board has been tabled in Parliament and as stated in a reply to a question in the House, is satisfactory.

After deducting all amounts through Revaluation and all future losses anticipated by the Audit Board, the Soldier Settlement Board are administering loans amounting to over \$67,000,000 covering about 23,000 farms, on contracts extending as long as 25 years or to 1955, and may be further extended.

The present salary of each and every employee of the Soldier Settlement Board has been approved by Council.

Three hundred and sixty-two members of the staff or 89 per cent of the male staff are returned soldiers. The balance of the 500 employees are females or were minors when the war was on. A large percentage of the returned soldiers served overseas three or four years and have nearly all been 11 years with the Board, making over 15 years service with a probably 25 or more years to come. Surely 35 or more years should constitute permanency. The average ages of the returned soldiers are over 42 years. Not a very good age to commence life in other employment.

No Money Vote is required.

A draft Bill to extend to the employees of the Soldier Settlement Board the privileges that were given to permanent Civil Servants by the Superannuation Act of 1924, is attached.

In October, 1921, an Order in Council was passed which permitted the transfer of a portion of the temporary employees of the Soldiers' Civil Re-Establishment Department and Soldier Settlement Board to the permanent staff and while the employees of the Soldiers' Civil Re-Establishment have since been made permanent, the employees of the Soldier Settlement Board are still temporary.

I have met more employees of the rank and file in our sundry offices over Canada than any other official of our Board, from whose statements I know that there is a very decided unrest and a pronounced feeling that they are not receiving the treatment they would if the Government fully realized the justice of their claims.

This memorandum is written voluntarily by a Soldier Settlement Board official, who has not the slightest iota to gain by any proposed legislation, as he has already had all the privileges of permanency and Superannuation, although not a returned soldier.

CHIEF ACCOUNTANT.

BILL NO.

AN ACT TO AMEND THE SOLDIER SETTLEMENT ACT, 1919.

His Majesty by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

(1) Section 5 of the Soldier Settlement Act, 1919, Chapter 188 of the Revised Statutes of Canada of 1929, is amended by repealing subsection 2 thereof and substituting therefor the following subsections:—

- (a) Such members of the staff of the Board appointed under the provisions of this Act before the first day of April, 1930, whose positions are certified by the Civil Service Commission upon the recommendation of the Minister, based upon the report in writing by the Board to be of indeterminate duration shall be permanent employees of the Civil Service at the salaries and in the classifications that have been fixed under the Soldier Settlement Act and approved by the Governor in Council.
- (b) Any employee made permanent as aforesaid, shall notwithstanding anything in the Civil Service Superannuation Act, 1924, be subject to the provisions of and entitled to all the benefits and privileges under Part 2 or Part 4 of the said Superannuation Act, and shall be entitled to have counted towards Superannuation benefits the period of his past employment with the Board, from the date on which he was first attached to it, provided such employee within one year after the 1st April, 1930, elects to become a contributor under the said Act.

Section 3 of the said Act is amended by adding the following subsection thereto:—

- (5) Privileges with respect to superannuation as accorded in Section 5 of this Act, to members of the staff of the Board, shall be available to the Commissioners.

Gov. Doc.
Can.
Comm.
P

Canada. Pensions and Returned Soldiers' Problems, Special Commission, 1930

SESSION 1930

HOUSE OF COMMONS

GOVT PUBNS

SPECIAL COMMITTEE

ON



PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 16—MONDAY, MAY 19th, 1930

EVIDENCE—Col. J. G. Rattray, Major E. J. Ashton, Mr. W. J. Egan, Mr. T. B. Mallace, Mr. J. R. Bowler, and Mr. J. C. G. Herwig.

APPENDIX No. 23—Soldier Settlement Board's Financial Statement.

APPENDIX No. 24—Statement showing Collections.

APPENDIX No. 25—Legend showing Foreclosure of Soldier Settlers, and Percentage of Due Payments made.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,
COMMITTEE ROOM 368,
MONDAY, May 19th, 1930.

The Sub-Committee to whom was referred by resolution of the Special Committee on Pensions and Returned Soldiers' Problems, matters pertaining to soldier settlement on land, met at 4 o'clock, p.m., the Chairman, Mr. Speakman, presiding.

Members present: Messrs. Adshead, Barber, Gershaw, McLean (Melfort), McPherson, Speakman and Stewart (Edmonton West).

In attendance: Messrs. J. R. Bowler and J. C. G. Herwig of the Canadian Legion Executive Council, B.E.S.L.; Commissioners E. J. Ashton, J. G. Rattray, Mr. T. B. Mallace, and Mr. S. J. Willoughby of the Soldier Settlement Board; Mr. W. J. Egan, Deputy Minister of Immigration and Colonization.

The Chairman suggested that the Committee might discuss *in camera* the evidence which has already been given upon the questions relating to soldiers' settlement on land, and then proceed to consider their report. Opportunity was given the Committee, however, to ask questions of the representatives of the Canadian Legion and also of the Commissioners of the Soldier Settlement Board, and of Mr. Egan, who were all present.

Hon. Mr. Stewart, Mr. Gershaw, Mr. Barber, and others of the Committee, proceeded to ask several questions with respect to the evidence and the statistics which had been submitted at previous meetings. *See Evidence herein.*

In the course of the proceedings, statements showing: (1) Financial Statement as at March 31st, 1930; (2) Table showing Collections as at year ending June 30, 1926; and (3) Legend showing Foreclosure of Soldier Settlers and Percentage of Due Payments made. *See Appendices Nos. 23, 24, and 25 herein.*

The Committee adjourned to meet *in camera* to-morrow at 11 o'clock.

MINUTES OF EVIDENCE

COMMITTEE ROOM 368,
HOUSE OF COMMONS,
MONDAY, May 19, 1930.

The Sub-committee of the Special Committee on Pensions and Returned Soldiers' Problems met at 4 p.m., the Chairman, Mr. Speakman, presiding.

The CHAIRMAN: So far as I know, gentlemen, the work of taking evidence is pretty well completed, and the idea I had in my mind was that when we met this week we would be able to meet in camera and discuss the evidence which we have before us and consider our report. However, Major Bowler, representing the Legion, Colonel Rattray and Major Ashton are here, and Mr. Egan, representing the minister. As I understand it, none of these witnesses have anything further to add. It is merely a matter of affording opportunity to any member of the Committee here present to ask them any questions based on the evidence already given. There are no further statements to be made, so far as I know, and no further evidence to be given. The difficulty, of course, is that we have only just received the evidence taken last week, and it is rather voluminous, and the members of the Committee possibly have not had an opportunity or time to study it sufficiently to enable them to ask questions.

Mr. GERSHAW: I notice, Mr. Chairman, in I think Colonel Rattray's evidence, that there was a list given of the percentage of profit that the farmers made in the United States for each year over a ten-year period. I would like to get the information if that would apply in Canada generally, and I should also like to know how reliable such statistics are, that is, how are they arrived at and is it a fair basis for reckoning interest on our farm loans.

Mr. BARBER: You are referring to this statement on page 530?

The CHAIRMAN: I think probably Major Ashton can answer that point. I do not recollect that Colonel Rattray mentioned it in his evidence.

Colonel RATTRAY: No, I made no reference to that. The only thing I said was that we would have to know how they made this up, what the value of the land was, and what was included in all these things before we could analyze it.

The CHAIRMAN: I think Major Ashton should be brought forward to the table, doctor, and your question might be addressed to him and he might be able to elaborate on that.

Major ASHTON: The statement in question here comes from Professor F. F. Hill, of Columbia University, who was at one time statistician to the Federal Farm Loan Board, and is based on returns made by the Department of Agriculture.

Mr. EGAN: You are speaking of the United States, entirely?

Major ASHTON: Yes, it is prepared by their Bureau of Agriculture.

The CHAIRMAN: I think you will find this table on page 494 of the evidence.

Major ASHTON: Yes.

The CHAIRMAN: Then proceed, Major Ashton.

Major ASHTON: This estimate was prepared by the Bureau of Statistics and frankly it is only an estimate and cannot be said quite to apply to our Canadian agriculture, because I believe our Canadian agriculture is in a better position than American agriculture; but it was the nearest thing we could get as a guide. It was only referred to in a letter from Dr. Warren to myself last December.

Mr. McLEAN: I see these figures are after paying all operating expenses, including taxes and allowing wages to operators. May I ask what is the wage.

Major ASHTON: In the United States, I believe, they estimate a flat wage of \$500.

Mr. McLEAN (*Melfort*): Regardless of the size of the operations?

Major ASHTON: Yes, regardless of the size of the operations.

Mr. GERSHAW: Does that include everybody of the family, everyone that works on the farm?

Major ASHTON: Yes.

The CHAIRMAN: Are there any further questions along that line?

Major ASHTON: I may say, Mr. Chairman, they have been doing that for many years.

Mr. GERSHAW: Apparently the average is 3.87 per cent of profit?

The CHAIRMAN: The profit out of which capital payments might be made.

Mr. EGAN: The basic thing is the price of land?

Major ASHTON: Yes, and I believe their census returns call for a figure.

Mr. EGAN: Whose figure is it?

Major ASHTON: It is an owner's figure, not an expert's figure.

The CHAIRMAN: In order to attach any comparative value to it, you have to know on what value the returns were based, and to do that with an intelligence you would have to have some idea as to the price per acre on which it was based.

Major ASHTON: And it is only fair to point out Mr. Chairman, that that is only done once in every ten years, and that the census adjustment is a pure estimate.

Col. RATTRAY: Lands in the United States at one time were selling at ten times the price of our lands.

Major ASHTON: Yes, that is so.

The CHAIRMAN: When you speak of the return upon lands, we will have to understand the basic value. If a value of land were set at a very high rate, naturally the return would show as a very low one.

Major ASHTON: Yes, they value some of the lands at three or four hundred dollars an acre.

Mr. ADSHEAD: There was some talk by the Legion that if the soldier got the land and had not to pay interest for a certain length of time, was there not?

The CHAIRMAN: In Mr. Payne's minority report he suggested a total remission of interest.

Mr. ADSHEAD: How would that affect the ultimate payment for the land? Would it be said, "You are here and have the land and you may use it as long as you do not abuse it, and you may make payments on the principal if you like"?

The CHAIRMAN: No, it was suggested that the average payment should be on the seventeen years left to run on the contract period, but instead of amortizing the payments that they be simply one seventeenth of the principal each year. Probably you could compute for yourselves what that would mean, but in all likelihood Col. Rattray or Major Ashton could tell you at once what percentage over the period is interest and what percentage is principal of the payments.

Major ASHTON: Five point something per cent for each year.

The CHAIRMAN: Taking the seventeen year period, the annual payments for principal and interest which would be paid for seventeen years in order to clean up the whole thing would represent how much.

Major ASHTON: Practically 6 per cent of the principal sum. Seventeen goes into 102 six times, so that it is just under 6 per cent.

Mr. ADSHEAD: 3 per cent of the remaining principal?

Major ASHTON: 3 per cent each year for sixteen years, and 4 per cent for the seventeenth year would exactly clean that.

The CHAIRMAN: What is the annual payment for seventeen years, with interest, and then what is the annual payment without interest?

Major ASHTON: For seventeen years with interest at 5 per cent the annual payment is about \$8.83 per hundred dollars.

Col. RATTRAY: What sized principal do you want?

The CHAIRMAN: Take a \$4,000 loan as a basis.

Mr. MCPHERSON: Take a loan of \$100 as a basis and you have your answer.

Mr. MCLEAN (*Melfort*): I think it was Major Ashton who said, on page 495, "In order to repay their loans on the terms laid down originally in the Soldier Settlement Act our settler must make a living and an annual payment on his total investment of 7.10 per cent."

Col. RATTRAY: Our grade 1 settlers with their loans at present would pay \$205.87; if it was interest-free they would pay \$136.53.

Our Grade 2 settlers, at 5 per cent, would pay \$281.89; and without interest would pay \$186.94.

Mr. MCPHERSON: What is the \$281.89 on?

Col. RATTRAY: On the present average of their accounts.

The Grade 3 settlers, on the present average of their accounts, would pay \$331.03 including interest; and without interest, \$219.53.

Grade 4 settlers, on the present indebtedness, at 5 per cent for the balance of their present contract, \$394.72; or without interest, \$261.76.

The CHAIRMAN: That is the answer then. That makes it very clear. This is only to give the Committee a clear idea of the effect on the annual payments of the total remission of interest.

Col. RATTRAY: The total amounts would be, if the Grades 1, 2, 3 and 4 settlers paid the principal only, \$38,307,998, and the interest to be written off would be \$19,403,000.

The CHAIRMAN: Was not the \$19,000,000 based on the three per cent for thirty-four years?

Col. RATTRAY: It relates; no interest, or the 3 per cent for the 34 years, would be practically the same.

The CHAIRMAN: It works out at about the same?

Col. RATTRAY: Yes.

The CHAIRMAN: So that if they paid up to date as they went along, they would pay \$38,000,000 roughly in principal, and \$19,000,000 roughly in interest?

Col. RATTRAY: Yes, sir.

Mr. BARBER: A total of \$57,000,000?

Col. RATTRAY: Yes.

The CHAIRMAN: I think that point is quite clear. As a matter of fact, I had that, and it was for the benefit of one or two members of the Committee who were asking as to it.

Col. RATTRAY: I stated that if it was extended to 34 years they would pay more in interest than they would if they had it under the present contract, be-

cause the present contract, as stated, would pay \$57,700,000, and at 3 per cent for 34 years they would pay \$64,000,000; so that there would be the loss of interest between the 3 per cent and 5 per cent or \$19,380,000.

Mr. ADSHEAD: But you hold the land as a guarantee against loss?

Col. RATTRAY: Oh, yes.

Mr. ADSHEAD: Can you tell me how does the value of the land which you hold compare with what is against it?

Col. RATTRAY: Well, in Grade 4 settlers, who have not really been paying their interest, and in fact very little more than their taxes, and in some cases not even their taxes, they have allowed the debt to grow away out of proportion to the value of their land; but Grades 1 and 2 settlers, I estimate that their loans are approximately about 50 per cent of their present assets, that is, land, stock, equipments and other assets.

Mr. ADSHEAD: As regards the total obligations due to the Settlement Board, as against the total amount which you hold, how does that stand? That is, they owe to the Settlement Board so much money, and against that you hold so much value on the land and the stock. How do these two balance? I want to get at what their obligations to the Settlement Board are, and what is the value of that which you hold for that indebtedness?

Col. RATTRAY: I could not tell you that unless we made a special valuation of every farm at the present time, in order to find out just what each farm is worth and also the stock and equipment.

Mr. EGAN: And the value to the Board might be very different next year?

Col. RATTRAY: Oh, yes. Our present valuation or revaluations that we did take was the value of the land as it was as at the time of the purchase.

Mr. ADSHEAD: Of course a revaluation has taken place in some cases?

Col. RATTRAY: Yes, but we revalued it as at the time of purchase, and not as it is now. You see the settler might have put on two or three dollars of improvements in the meantime.

Mr. EGAN: What you are looking for ultimately is an instruction that \$10,000,000 more be wiped off.

Mr. BARBER: I think we had a statement of how much was outstanding on account of unpaid interest.

Col. RATTRAY: I do not know that I have that. The net investment of soldier settlers is \$52,862,000. Then we have under the British family scheme \$11,802,000. Of course I have the New Brunswick family scheme also, but that does not enter into it; that is for the New Brunswick Government. This is just under \$65,000,000.

Mr. McLEAN (*Melfort*): How much of that \$11,000,000 is our own? Does that all belong to the Canadian Government?

Col. RATTRAY: No, a little over \$8,000,000. The other belongs to the British Government.

Mr. BARBER: Did you reach the point of the outstanding interest, that is the interest not paid by the settler and in arrears?

Col. RATTRAY: The only thing that I can give you at the present moment is the payments.

Major ASHTON: In that there are two difficulties. The biggest difficulty will be caused by the fact that we have twice already recast loans and added principal to capital; so therefore that interest will not show as outstanding.

Mr. BARBER: What I was really wanting to get at to-day is how much is owing to the Board as interest.

Col. RATTRAY: Practically \$3,000,000.

Major ASHTON: That is after the consolidation.

Mr. ADSHEAD: What I was trying to get at, Mr. Chairman, was a simple question. They have certain loans, and they have certain guarantees against these loans. How do those two items stand?

Mr. McPHERSON: Either Mr. Ashton or Col. Rattray I understood the other day to say that under present conditions they thought they could work out by the collection and sale of the lands sufficient to reimburse the government for the capital expenditure, but would lose the interest on the expenditure.

Col. RATTRAY: I am not quite sure that we would even lose all the interest. We have \$65,000,000 of net investment; and we have already paid off \$44,000,000, that is \$109,000,000; and all we got at the start was \$112,000,000.

Mr. EGAN: But you are not taking into consideration that which you have worked out?

Col. RATTRAY: No, but in the meantime we have collected about \$18,000,000 of interest.

Mr. McLEAN (*Melfort*): If the \$18,000,000 were taken off, the \$47,000,000 would remain the mean capital?

Col. RATTRAY: No, there is \$30,486,000 on principal and \$14,111,000 on interest uncollected; that is \$44,000,000.

Major ASHTON: That is caused by the fact that for two, three or four years the settlers were only paying principal.

Col. RATTRAY: We have wiped out \$10,000,000 at least; they have got \$10,000,000 of interest on concessions.

Mr. ADSHEAD: So that as it stands at the present time, taking what the Settlement Board hold against the land, the land is worth more than there is against it.

Col. RATTRAY: No, if payments go on, the interest which will be received will make up for the principal written off; and I have every faith that it will be. Of course if we have a series of bad years or something of that kind, there might be a different story to tell.

Mr. ADSHEAD: I was thinking of how a loan company would look upon it.

Col. RATTRAY: Yes, and they have to take the same chances we are taking.

The CHAIRMAN: You made the statement the other day, Col. Rattray, that 62 per cent of the settlers now on the land had a 50 per cent equity in their property. Is that arrived at by computing both the remissions and the amount they paid? I am not calling them concessions or reductions.

Col. RATTRAY: Call them concessions. The concessions that the government has made to them and the improvements they have been able to make on their properties, and also the increase in their stock and through working upon their property, taking these as their assets, and as against that take what they owe us, my estimate is that their equity is about 50 per cent; at least the principal of the loan, I should say, is about 50 per cent of their assets.

The CHAIRMAN: It is not that they have paid off half of their debt?

Col. RATTRAY: No, Mr. Chairman.

The CHAIRMAN: I put that question because one or two members of the Committee had asked me if it was possible that 62 per cent of the soldier settlers had paid off 50 per cent of their indebtedness. But estimating the increased value of the holdings through their improvements, increased stock, etc., and adding to them the concessions which have been made, you bring it to that point that they have 50 per cent equity?

Col. RATTRAY: Yes. What I want to bring out is that if they took their present assets, they could go to the Farm Loan Board or to a Loan Company and get loans practically up to what they owe us.

Mr. McLEAN (*Melfort*): If they had stock and equipment they would not be able to get a loan on that part of their assets?

Col. RATTRAY: It is taken into consideration when they get a loan.

Mr. McLEAN (*Melfort*): It is taken into consideration as to whether they will get a loan at all or not, but the amount of the loan is not increased by the stock and equipment, as a rule.

Mr. ADSHEAD: There is no stock and equipment in the hands of the government?

Mr. McLEAN (*Melfort*): Yes, the government has made loans to settlers for equipment.

Mr. BARBER: A loan company does not touch chattels at all.

Hon. Mr. STEWART: Do I understand you to say, Col. Rattray, that there are 62 per cent of the men now on the land, who would be in a position to go in to a loan company and borrow sufficient money to pay the government loans on their farms?

Col. RATTRAY: I would put it in this way; that if they would clean up and sell out their land, stock and equipment, that what they owe the government would be about 50 per cent of what they could get for their assets.

Hon. Mr. STEWART: So that 62 per cent of them have 50 per cent equity in their holdings.

Col. RATTRAY: Yes their holdings and other assets.

Mr. McLEAN (*Melfort*): That 62 per cent would be in classes 1 and 2?

Col. RATTRAY: Yes, sir.

Mr. McLEAN (*Melfort*): Does that take into account any outstanding expenditures or debts that they may owe to other people, such as banks or store-keepers.

Col. RATTRAY: No, we do not go into that.

Major ASHTON: When we have to take charge of a settler's affairs we often allow his bank, his tradesman and his doctor to take a portion of the crop; and often let him have a certain proportion of the crop to apply on future clothing that he will have to have between the time of collection and the next harvest.

Hon. Mr. STEWART: That is out of the proportion that should come to the Board, is it, Major Ashton?

Major ASHTON: One of the big criticisms has been that we have taken men's crops. It is admitted that we have, for instance, taken the whole of some settler's crops for three years in succession and administered it. In other cases, before we carry a man further, we have demanded that he pay us half of his proceeds. That does not mean that we keep it, for we very often disburse the amount we take over to his outside creditors; otherwise he could not carry along.

Hon. Mr. STEWART: The point is that he has a share and you have a share, otherwise the indebtedness would take his whole crop. But, assuming he cannot pay out of his share of the crop, then you distribute from your portion of it sums covering those indebtednesses of his?

Major ASHTON: Not covering the whole of them.

Hon. Mr. STEWART: Do you take it out of the moneys that are due to the government? Too frequently I hear the statement made that the Board takes this money and the settler is left without means to settle his accounts.

Major ASHTON: In all the cases I have mentioned, if we were to take the amount due to the government we would take everything.

Mr. ADSHEAD: Do you not think it would be fair to the settler to take a share of what he produces, rather than to demand so much every year? It might be like crop sharing. Do the settler and yourselves take a fraction of the payment on the crop payment plan, of what is due to you? A man who has a very small crop this year cannot meet what you have against it, or you would take it all, as you can do. Do you not think it would be fairer to the settler, and that you would get better results, if you only took a fraction of his crop?

Major ASHTON: In many cases the answer to that would be no, for this reason, that a large number of settlers are by no means business men. Before we take the drastic steps that I have been mentioning, the settler has been in arrears for some years in his payments; and if he gets behind too far, he will never pull out. Therefore we endeavour to handle it for him.

Mr. ADSHEAD: Lots of land has been sold on crop payments, and it has been successful.

Col. RATTRAY: The question is, what do you mean by crop payment? I have never sold land on crop payments, and I do not want to ask any man for such terms of payment. There are two weak points in that; one, you depend on the amount of land cultivated with cash crop, and then he can turn that land into pasture. In my experience, they are not satisfactory because you have to have a determinate time in which they are to be paid. In the other case you have to tie a man down to a certain acreage which cannot be done on account of climatic conditions. It may be so wet that he cannot put in crop at all, and then it may be the case that a man may have an excellent crop, it may be possible for him to use a percentage of that crop and he can go ahead increasing his earnings by either improving his stock or his farm, but if you take your half share it may leave him in the position he was before, and he cannot go on. I am not in favour of crop payments, it has so many drawbacks.

The CHAIRMAN: There is one thing on which I am not quite clear, and I think we should be clear before we pass on. In making collections, have you not had trouble in securing year by year the full amount of the annual payments from classes 1 and 2? Do classes 1 and 2 pay the full due payment year by year? Have you any difficulty with those classes at all?

Col. RATTRAY: Very little.

The CHAIRMAN: You secure their full payments.

Col. RATTRAY: Yes, and more than that, a good many have prepaid payments.

The CHAIRMAN: So that classes 1 and 2 are those who are paid to date and able to meet their payments each year.

Col. RATTRAY: They have been in the past, and in the condition in which they are, I would say, yes.

Hon. Mr. STEWART: Colonel Rattray, you would say, speaking for the Board, that there is no real necessity for considering classes 1 and 2; that they can complete their contracts without hardship to themselves.

Col. RATTRAY: I would say yes.

Mr. GERSHAW: Because they are getting in a better position. What are you doing with classes 3 and 4?

The CHAIRMAN: Before you deal with classes 3 and 4, what about grade 2?

Col. RATTRAY: Grades 1 and 2.

The CHAIRMAN: Grade 1, I take it, is in good position.

Col. RATTRAY: Yes.

The CHAIRMAN: None of those are in arrears; they are paid up to date.

Col. RATTRAY: Oh, there will be a little arrears from last year because you know the situation that arose from the wheat pool certificates and one thing and another; they expected to make payments but were unable to do so.

The CHAIRMAN: What percentage of those payments over the whole, were made last year, and the year before?

Mr. McPHERSON: In those two classes.

The CHAIRMAN: No, I am speaking of the whole.

Hon. Mr. STEWART: If we can get settled definitely that classes 1 and 2 do not need any relief of any sort to complete their contracts, then we can dismiss them for our discussion.

The CHAIRMAN: That is the point I want to make clear, because I understand the average annual payment is only about forty-five per cent of the amount due each year; that is of the whole indebtedness.

Col. RATTRAY: From July 1, 1929, to April 30, 1930, 5,345 have been paid in full.

The CHAIRMAN: Without any arrears.

Col. RATTRAY: Yes. 6,883 have paid in part; so that out of the outstanding 14,802 standing accounts—and that includes civilian sales—12,208 have been paid in full or in part.

The CHAIRMAN: The main point I want to get is this: classes 1 and 2 are not in arrears to any extent? They have been able to meet each annual payment in full as it becomes due.

Col. RATTRAY: That is practically right.

Major ASHTON: There is to be considered in that, Colonel, the fact that a good many consolidations have been made.

Col. RATTRAY: That is the condition that exists.

Mr. McPHERSON: I find that in classes 1 and 2 there is approximately 7,127 contracts outstanding.

Colonel RATTRAY: That is really 7,400 now.

Mr. McPHERSON: Out of that number 5,000 are fully paid up.

Colonel RATTRAY: 5,345 are fully paid up as at the first of April.

Major ASHTON: It might help you in that to have the numbers who, in the successive years have made payments. At the year ending June 30, 1926, 8,439 settlers met their payments in full out of 17,281. At the year ending June 30, 1927, 7,257 settlers out of 16,522 met their payments in full. In 1928, 6,848 settlers met their payments out of 15,926 due. In the last year ending June 30, 1929, 6,111 met their payments out of 15,088 that were due. But from all those totals must be taken a considerable number of civilian settlers whose accounts are included in this collection return.

Mr. EGAN: Is it not on these figures that you have established your grades?

Major ASHTON: Not altogether, no. We left out collections in establishing our grades because it would not give an altogether fair picture in northern Saskatchewan and northern Alberta. Men who started on bush holdings might not have made full payments, but might have developed their holdings to a considerable extent, and for that reason were given a higher grading than they would have been given if payments alone were taken into consideration.

The CHAIRMAN: We are getting pretty close to the point on which we can consider that grades 1 and 2 have met their payments year by year in full, under present conditions.

Mr. McLEAN (Melfort): Including remissions.

Major ASHTON: It is very, very difficult to give you exact figures for that because, in our collection returns we called last year for 15,088 payments and I think probably 13,000 or less, was the number of soldier settlers.

Mr. McPHERSON: The resales to civilian settlers are mixed up in this.

Major ASHTON: Yes, over 2,000.

The CHAIRMAN: What we are trying to do is to find out just what classes, that is, classes 1 and 2—have met their payments practically year by year, and are carrying on and increasing their equity.

Mr. BARBER: 5,000 out of 7,000.

Major ASHTON: I hardly think that a close analysis of our ledger sheets would show a hundred payments have not been made in those classes.

Hon. Mr. STEWART: You would not expect it.

Major ASHTON: No.

Colonel RATTRAY: They might be part of the year in arrears.

Mr. EGAN: Has an analysis of the ledger sheets been made? I think that would be a better way of getting at it. Has an analysis been made?

Major ASHTON: No.

Mr. EGAN: I believe the accountant has made an analysis of it.

The CHAIRMAN: What percentage of due payments has been met in those grades, so that we can see just what the position is?

Mr. MALLACE: I could not say that a hundred per cent has been met, because that is not the case. But in grading the settlers we must take the payments and the state of the men's equity. Grades 1 and 2 settlers are those who have met their payments, or have increased their equity to such an extent that they are absolutely an A-1 risk as a loan.

Hon. Mr. STEWART: Mr. Mallace, I just want to get your statement clearly in my mind. You say that if they have not completed the payment in full to date, they have done something else; they increased their equity. What do you mean by that,—put on some improvements?

Mr. MALLACE: Improving the land.

Hon. Mr. STEWART: Or buildings.

Mr. MALLACE: Yes.

Mr. ADSHEAD: Do you see any noticeable difference between the payments of soldier settlers and those you term civilian settlers?

Mr. MALLACE: I do not think there has been any noticeable difference between the two.

Major ASHTON: Of course the civilian settlers do not owe for stock and equipment.

The CHAIRMAN: I am trying to confine myself to soldier settlers in those grades because they are the only ones we are dealing with at the present time. In considering the standing of grades 1 and 2, did you take this into consideration? Assuming that they had not spent that money in improving their farms and increasing their value, they could have, without difficulty, met their payments.

Colonel RATTRAY: Yes, I think so.

Mr. McLEAN (Melfort): I would like to ask, Mr. Chairman, if civilian purchasers of farms are included in any of those grades.

Major ASHTON: No.

Mr. GERSHAW: These civilian settlers have been put on Soldier Settlement land abandoned by the soldier settler; really, they have bought the land.

Colonel RATTRAY: Yes, bought the land in the open market.

The CHAIRMAN: That is the point we are at. They made their payments in full, or devoted the money to improving their farms, which, if paid to the Board, would have met the payment in full without undue suffering on the part of the settler.

Major ASHTON: I think you would have to add to that, money or work in the development of their farms.

Mr. MCPHERSON: They have improved their farms more than the balance of the unpaid payments.

The CHAIRMAN: Am I correct in stating that those in grades 1 and 2 have either met all their payments in full, or they have diverted part of the money which could have gone for payments, to improvements on the farm, which, if paid to the Board, would have met their payments in full if made year by year, by the records of the past.

Colonel RATTRAY: I think that statement is correct.

The CHAIRMAN: What percentage of due payments have been met by Grade 3 settlers, as they are graded?

Colonel RATTRAY: We have not got that. Last year 7,639 paid in part, and from July 1 up to May 1, 7,748 were paid in part.

The CHAIRMAN: Of course, "in part" might mean anything.

Colonel RATTRAY: Yes.

The CHAIRMAN: Eliminating Grades 1 and 2 then, what percentage of due payments have Grades 3 and 4, the residuum, met? You say 1 and 2 have practically met their payments in full; in what position do the balance stand, what percentage of the due payments have been collected? All the settlers in grade 3, I understood you to say, are in arrears to a certain extent.

Colonel RATTRAY: Yes.

The CHAIRMAN: Therefore, none of them have met their payments in full. I want to find out as nearly as possible just what percentage of the annual payments they have been able to meet from year to year, so that we will know what it is in their power to meet.

Major ASHTON: One difficulty we have in dealing with the matter is that the original books of entry are all in the district offices. I asked Mr. Woods, who is now in Ottawa, if he has not already left, if his Grade 1 and 2 settlers had done any better than meet the 5 per cent of their indebtedness, and he said they had not.

The CHAIRMAN: In that case Grades 1 and 2 have not been able to meet their annual payments?

Major ASHTON: No. We must remember this: that after the remission of interest we have never called for the full 7.1 per cent of our settlement and we have omitted interest for three or four years. Mr. Woods' statement is that his Grades 1 and 2 settlers have not in the past twelve years done anything better than what would have met the bare interest on their loans had we just called for bare interest.

The CHAIRMAN: So that grades 1 and 2 have not in the past met all their annual payments which they will be called upon to meet in the future.

Mr. MCPHERSON: Which directly contradicts all the evidence you have given up to date.

Major ASHTON: No, it does not because we have not called, in the past, for the payments we must call for in the future.

Mr. MCPHERSON: If you will explain this I would like you to do so, Major Ashton. We finished a discussion which indicated that grades 1 and 2 had paid in full; the major portion had made all their payments up to date.

Major ASHTON: What I want to make clear is that the major payment is not the major portion of the payment that is equivalent to 7.1 per cent.

Mr. McPHERSON: We do not care about that. Have they paid what you consider is due to the government under their contracts.

Major ASHTON: Largely, yes.

The CHAIRMAN: But the payment of what has been due up to date is not a definite indication of their ability to meet payments during the next seventeen years because the payments will be higher, due to that remission.

Colonel RATTRAY: Since 1926 they have been paying their indebtedness plus five per cent.

The CHAIRMAN: That is what I have been thinking, that the last two or three years since the time the remission ran out is the comparable time.

Colonel RATTRAY: After they got the revaluation their payments were less, and considerably less in some cases. You understand that from the 1st of October, 1926, when the reamortization payment at five per cent began, for the twenty-one years, up to this time, they have been paying that amount in full, which will be all they will be called on for during the lifetime of their contract.

The CHAIRMAN: I know the time from 1922 to 1926 is not a comparable time because they are not called upon to pay interest during that time, but the amount they have had to pay from 1926 to the present time is payment equal to the payment they will be called upon to make for the next seventeen years, and according to Colonel Rattray they have met those payments since 1926.

Hon. Mr. STEWART: Is it a fact that since 1926 grade 4 has not paid anything?

Major ASHTON: It is very difficult to answer that clearly, Mr. Stewart. I had a number of the worst types of accounts sent to me at Regina. I had not seen the ledger because I had not gone into the district office, and I wrote back to the district superintendents that I was absolutely astounded at the state of these accounts. The district superintendents told me that there were a large number in that condition. While it is not correct to say that they have made no payments, yet there is quite a percentage of accounts, in connection with which this year and last year, for instance we had to pay taxes which amounted to as much, almost, and in some cases more, than the payments received, not in the last four years, but in the last twelve years.

Mr. McPHERSON: Is my impression right that as far as grade 4 is concerned, the payments into the Board from time to time in various years; the amount of money you have had to pay out of that to sustain them, has been such that there has been no reduction to speak of, in either capital or interest the last four years.

Colonel RATTRAY: There has not been much reduction in capital, and very little in interest.

Mr. BARBER: That is, they owe more now than they did at the beginning.

Major ASHTON: Several of them yes.

The CHAIRMAN: I will give you exactly what I want to get. First, I want to know the percentage year by year, since 1926, of total due payments which have been met. I think it is around 45 per cent of the total payments called for from all classes.

Major ASHTON: I think I gave it a minute or two ago. As of June 30, 1926, 72.7 per cent, that is, from July 1, 1925.

Colonel RATTRAY: From July 1, 1925, to April 30, 1930, nearly 48 per cent were paid up.

The CHAIRMAN: I would like to have it for 1926, 1927, 1928 and 1929; those are the years since all the contracts came into full force again under the re-amortization. Since 1922 I should like to have the total amount, both principal

and interest, by way of annual payments, and the percentage of that which has been paid. Then following that I want to get the number who have made their payments in full, and the percentage of their annual payments which the balance have made. You will realize that if less than 50 per cent of the total payments called for have been met during those years, and if 62 per cent have practically made them in full, it means that all the rest must fall into those two lower classes; it would look as though they had practically paid nothing.

Major ASHTON: The men in Grades 1 and 2 have less loans.

I can file with you now a collection statement for these four years. These statements give a good deal more than you have asked for, and you can get as much or as little of them as you wish. They do not, however, give the percentage that the Grades 3 and 4 settlers have paid.

The CHAIRMAN: That is what I should like to have, because the committee would like to see how many men are in a position that they cannot meet their payments.

Mr. ADSHEAD: It does not necessarily follow that because a man is in grade 3 he is undesirable, or is not doing his best. It is very often because of circumstances over which he has no control.

Colonel RATTRAY: I made that quite clear in my evidence, that they were really good, hard-working men, and that it was climate conditions or war disability, or something over which they had no control which made it so that they could not make the payments.

Mr. McLEAN (*Melfort*): How was that made up to the \$52,000,000? Could you give us a copy of the balance sheet?

Colonel RATTRAY: Yes, Mr. Chairman.

Mr. MALLACE: These are the Financial statements as at March 31, 1930, and the Statement of Collections for the year ending June 30, 1926.

Mr. McPHERSON: I was looking over the report of the Regina convention on Soldiers' Settlement, on page 517, and I want to get Mr. Bowler's idea on a few of the things which are there. First of all, has there been a serious objection made that the present Board have acted too drastically in enforcing contract collections?

Mr. BOWLER: The evidence that we had before us at Regina undoubtedly was to the effect that the Board had placed collections before supervision as a matter of more importance; and that in place of supervision that the soldier settler used to get and expected to get, he was rather approached from the point of view of how much he could pay.

Mr. McPHERSON: You recommend that the demands for payment be not made or not enforced. You think it holds good that the Board have deliberately looked to get their pound of flesh out of the soldier without regard to whether he could or could not stay on the land?

Mr. BOWLER: I would not say that that held good in all cases. We had evidence to that effect before us.

Mr. McPHERSON: On page 519, and on going over this very briefly, you make several recommendations. The second one is that it is desirable to reamortize its contracts over a period of thirty-four years, the same as the Canadian Pacific Railway Company had done, and that it might properly be considered whether this could not be done in the Soldier Settlement contracts. You think if they were reamortized it would be satisfactory to the soldiers as a whole?

Mr. BOWLER: Re-amortization over a period of thirty-four years would undoubtedly lessen the annual burden; but as I know that feeling among the soldiers, and basing it on the evidence which we had before us, I think that the opinion is that combined with re-amortization there ought to be some form of

reduction of interest. But at the same time I want to make it clear, as I think General Ross did, that we are not recommending that but are offering it as a tentative solution for the consideration of this committee.

Mr. McPHERSON: In clause 4 and 5 on that same page, I note that you suggest special consideration. Do you think it would be possible or reasonable for the government to give to any one soldier, regardless of his position, consideration by way of reduction of his debt that they were not prepared to give to all of them?

Mr. BOWLER: That is number 4, is it not?

Mr. McPHERSON: Four and five are really in the same class. Suggestion number 5 deals with men who have worn themselves out. I presume your reference to special treatment there meant a special reduction of their indebtedness?

Mr. BOWLER: I do not think so, Mr. McPherson. As a matter of fact, those two recommendations were suggested by General Ross and included in the in the report on his suggestion.

Mr. McPHERSON: You do not think it means special reduction in his debt?

Mr. BOWLER: No, I do not read these sections in that way.

Mr. McPHERSON: Do you mean consideration in the way of handling his debt?

Mr. BOWLER: Deferring his payments so as to allow him to do these improvements, in the case of heavily bushed areas, and perhaps making them special advances for that purpose.

Mr. McPHERSON: Apparently they have been carrying them over for three or four years and making them advances. I thought this meant a cash consideration.

Mr. BOWLER: Mr. Hertig, who is an adjustment officer of the Canadian Legion headquarters, and who has had experience with Soldiers Settlement over a good many years is here, and I would like him to be associated with me in these answers. I would like him to give you his opinions.

Mr. HERTIG: This refers to General Ross' suggestion for those on crown lands or heavily timbered lands. General Ross made the suggestion and his idea was that some remission should be granted to those people, if they deserved it; that is if, in accordance with the work they did, the Board considered they had worked satisfactorily, then some remission might be given to them. I think that is included in the record somewhere.

Mr. McPHERSON: Yes, it is in the last clause, I believe clause number 4.

Mr. HERTIG: I think the General had in mind special consideration for that class, such as a man who had been working on crown lands and had had a great deal of clearing to do. I really put it in this way, that he is doing something for the country in clearing the land, and that it was an additional burden which other soldier settlers did not have to bear, and therefore that the government might consider giving him a bonus, shall we say by remission of interest, a remission of a portion of the interest?

The CHAIRMAN: That is of the arrears which had accumulated?

Mr. HERTIG: Yes, of the arrears which have accumulated during the years he has been working to bring the land into a state where it may be cultivated.

Mr. McLEAN (*Melfort*): Something like the position of the man who has purchased other lands.

Mr. HERTIG: Yes, men on Crown lands. They had no claim for relief.

Hon. Mr. STEWART: Would not that be met by extending the scope of re-valuation?

Mr. HERTIG: There would be nothing to revalue, really.

Mr. STEWART: It is so difficult when you start to pick out special classes and say that they must be given special consideration. For that land as it exists to-day, having in mind the work the settler has done on it, and thinking of what the land was at the start, it seems to me the only way you could work it out would be to bring it under the provisions of the Revaluation Clause.

Mr. HERTIG: Those who bought their land naturally would come under the revaluation clause; but I think General Ross had in mind rather the man who was on Crown land.

Hon. Mr. STEWART: And he received a loan?

Mr. HERTIG: Yes, but for stock and equipment only, not on the value of the land.

Mr. McPHERSON: Does that not open a dangerous thing? If any government starts to give special consideration to any single individual or to a group, is not that too dangerous to give to any government, looking it fairly in the face?

Mr. HERTIG: That would be a matter for the government to decide. It was the only thing which was thought of at the time, to help that group.

Mr. GERSHAW: Would it be to help a man who had been hurt by some climatic condition, like frost or drought, or by some disaster?

Mr. HERTIG: That man, of course, is under a condition, which, I suppose is universal to all farmers. But the man who has a heavily timbered property is particularly handicapped in making progress; because I think it is pretty well known in agriculture that in order to make headway a man must have a reasonable acreage in order to secure a revenue. That man's difficulty is that he has never been able to get enough under cultivation to derive an income which would permit him to make payments; but probably he has been scratching along just making a bare living.

Mr. BARBER: That applies to some extent in our country.

Mr. HERTIG: Mr. Payne brought that out.

Mr. McLEAN (*Melfort*): In many instances men were induced to go onto crown land, in 1919 and 1920 and were given stock and equipment at a time when they had no land on which they could use the equipment, and when they had no land under cultivation on which to produce feed for their stock; and when they had no knowledge of the stock that was given to them; with the result that by the time the slump came in stock values, in 1921, in many cases seventy-five per cent of their stock values had disappeared; a very much larger percentage due to lack of feed, in the case of their stock, as well as from the lowering of the market values. And in the case of implements and equipments, they had not been able to use them because they had no land cleared or ready for cultivation.

Mr. ADSHEAD: Had they the implements before they could use them?

Mr. McLEAN (*Melfort*): Yes, they not only got the implements, but they were encouraged to take them; and that is one of the grounds of complaint by many. One result is that in addition to the interest, on the stock revaluation they did not get nearly enough to bring them up with their stock losses, such as some dead horses.

To-day many of these men have succeeded in clearing up reasonable acreages, but they have been handicapped to some extent by not having had power to break up the land. It has not been so bad of late, because they have been getting assistance through breaking loans, which I think is a great improvement on the old system of merely giving them horse power that they could not use. These men to-day are charged up with that burden of losses

sustained prior to the slump in values, at a time when they could not possibly use the stock; and they feel that there is some consideration coming to them for that. Does that agree with General Ross' presentation of that argument?

Mr. HERTIG: Yes, on that class. General Ross refers to special treatment to one class. That is a difficulty we have encountered right through. There appear to be several classes of soldier settlers, and the problem seems to be what form or relief should be applied. As far as can ascertain, the feeling in that connection perhaps among soldiers is that it should be applied to everyone, for the simple reason that the man who is in good shape had to work good and hard in order to get through.

The CHAIRMAN: Is not this the position, as General Ross discussed it with me and in the committee, that he asked for concessions for one class and for one reason; that is for the class which went on heavy bush land and during the years included in clearing he was engulfed in arrears which now that his land is productive are too heavy for him to overcome?

Mr. McPHERSON: What are you going to do with a man who was flooded out for two or three years?

Hon. Mr. STEWART: Yes, or who was dried out for years?

Mr. McPHERSON: There is almost an impossibility of dealing with it. I would say that the flooded man was more entitled to consideration, because he went in without knowing the conditions; while the other man went in with his eyes open.

Then there is another point, as to the return of the ten per cent deposit, which is suggested. We are trying to get at the cure of all the evils, and when you make a recommendation it may be fair to ask you the question pointblank: Do you think it would be possible to return the ten per cent deposit, and if so to whom? To the man who has lost his farm or is losing it, or to the man who is going to save it?

Mr. HERTIG: Probably the better way to answer that would be to give you some idea as to why that suggestion was made to the Legion. There is a considerable number of cases, and I daresay the Board knows of them very well, where perhaps the soldier settler goes out under most disastrous circumstances, and practically leaves the farm without anything at all. It is to such cases that this concession really was being asked. I have one in mind of a woman who lost her husband, who was a soldier settler. Under the most distressing circumstances she tried to carry on the farm herself but was unable to do so and had to leave it. She is left now practically destitute. The idea was simply that such cases should have some little cash with which to leave the farm, in order to provide capital to start up somewhere else.

Mr. McPHERSON: Your suggestion would practically cover every man who has abandoned his farm or lost it?

Mr. HERTIG: Yes, in its broad application; but if it could be limited to such cases as I have mentioned, it would be satisfactory.

The CHAIRMAN: It would put a very heavy onus on the Board, to give concession to some and not to others.

Hon. Mr. STEWART: Yes, it could not be done.

Mr. BOWLER: Broadly speaking, it is more a government responsibility than a Soldiers Settlement Board responsibility. That is where a man and his family have to go off the place through no fault of their own, and are up against a difficulty of immediate provision for themselves.

Mr. McPHERSON: Let me suggest this, also. In the view of past knowledge, would there not be a considerable number of cases in which no deposit was put up by the soldier settler?

Mr. HERTIG: Yes, in which case there would be nothing for him.

Mr. MCPHERSON: I mean where the deposit was paid by the man who was selling the land? I have known of such cases.

I would like to make a brief statement in regard to the Class 4 settlers. I may have been mistaken, but from the discussion that took place this afternoon it appeared to me that an inference was created that Class 4 settlers were all men who had failed through some fault or some wilful default of their own. If my inference is correct, I should like to put it on record that the Canadian Legion does not accept that as a fact. We believe that there are a large number of these men in Class 4 who also are the victims of circumstances and misfortune.

Mr. MCPHERSON: You might ask how they arrive at that class when we have failed to find out who they are.

Mr. BOWLER: I cannot claim to have met them, but through the organization of the Legion we have come in contact with them, and I think it is a fair statement to make, from our knowledge, that they cannot all be tarred in that way, that it is due entirely to their own fault.

THE CHAIRMAN: I have kept a ledger of over 700 of them in my own constituency. A number of those have failed through no fault of their own, but because of some physical disability, or from the condition of the farm land itself, or from the fact that their burden of debt is far too great to be carried by their land.

Mr. McLEAN (Melfort): Also due to the fact that many of them are out of place.

I should like to ask, of the men now in Classes I and 2, how many of them are settlers on crown lands.

Colonel RATTRAY: 1,115 on crown land out of the 7,000 odd.

The committee adjourned at 6 p.m., to meet on Tuesday, 20th May, 1930, at 11 a.m.

APPENDICES

No. 23—Financial Statement of Soldier Settlement Board.

No. 24—Statement showing Collections.

No. 25—Legend showing Foreclosure of Soldier Settlers, and Percentage of Due Payments made.

SOLDIER LAND SETTLEMENT

FINANCIAL STATEMENT AS AT MARCH 31st, 1930

TOTAL LOAN DISBURSEMENTS.....		\$115,293,087 15
Interest charged to settlers accounts.....	\$17,404,861 31	
Less estimated Interest Rebate on additional Land Revaluation Awards.....	200,000 00	17,204,861 31
Total Amount Charged to Settlers.....		\$132,497,948 46
DEDUCT—Legislative Reductions—		
Live Stock Reduction.....	\$ 2,927,231 99	
Land Revaluation:—		
Awards given to date.....	\$ 6,348,594 16	
Awards not yet entered in District Office Books.....	513,098 84	
	\$ 6,860,693 00	
Estimated Additional Awards.....	500,000 00	7,360,693 00
Total Legislative Reductions.....	\$10,287,924 99	10,287,924 99
		\$ 122,210,023 47
DEDUCT:—		
Land Transfers to 3,000 British Family Scheme.....		8,630,583 72
		\$ 113,579,439 75
DEDUCT:—		
Payments Received—Principal.....	30,436,280 98	
Interest.....	14,111,785 28	
Total Payments Received.....	\$44,548,066 26	44,548,066 26
		\$ 69,031,373 49
ADD:—		
Credit Balances due to Equity remaining in Settlers' Accounts upon Resale of Security:—		
Current Loans.....	\$ 182,127 27	
Loans in Adjustment.....	309,207 80	491,335 07
Total Soldier Land Settlement Loans.....		\$ 69,522,708 56
DEDUCT:—		
Losses already determined on Adjustment Properties.....	\$ 6,157,466 72	
Estimated Loss upon resale of Land and Chattels now in Adjustment.....	8,000,000 00	
Provision for Loss on Current Loans.....	2,500,000 00	
Total.....	\$16,657,466 72	16,657,466 72
Net Investment in Soldier Land Settlement.....		\$52,865,241 84
(1) DETAILS OF LOAN DISBURSEMENTS		
Land Purchase.....	\$ 60,953,592 31	
Removal of Encumbrances.....	2,715,614 89	
Permanent Improvements.....	11,595,155 96	
Stock and Equipment.....	29,088,661 61	
Special Advances.....	7,713,497 22	
Initial Payments Returned.....	2,048,532 25	
Replacements.....	600,174 55	
Refunds of Settlers' Equity.....	155,933 59	
Indian Soldier Settlers.....	421,924 77	
		\$115,293,087 15
(2) DETAILS OF SOLDIER LAND SETTLEMENT LOANS (with interest)		
Current Loans to Soldier Settlers.....	\$ 38,867,266 83	
“ “ Civilian Settlers.....	8,212,354 90	
Total Current Loans.....	\$ 47,079,621 73	
Investment in Adjustment Properties.....	23,603,102 21	
Indian Soldier Settlement.....	294,907 16	
Total Soldier Land Settlement Loans.....	\$ 70,977,631 10	
Less Estimated Amount Land Revaluation still to be made.....	1,212,098 84	
		\$ 69,765,532 26
(2) Less Replacement Credits and Amounts held in Suspense.....	242,823 70	
		\$ 69,522,708 56

APPENDIX No. 24

THE SOLDIER SETTLEMENT BOARD

COLLECTIONS YEAR ENDING JUNE 30, 1926

District	Total Amount Due	Amount Received on Account of						No. of Settlers with Payments Due	Settlers Making Payments					
		Due Payments	Leases, etc.	Total Due Payments	Per cent	Pre-Payments	Total Amount Received		Per cent	In Full	In Part	Total	Per cent	Pre-Payments
Vancouver.....	325,358 55	209,742 47	7,783 36	217,525 83	66.8	71,971 36	289,497 19	1,571	741	733	1,474	93.8	413	
Vernon.....	220,265 65	90,982 08	7,252 68	98,234 76	44.6	62,742 37	160,977 13	886	288	380	668	75.4	183	
Calgary.....	648,978 22	427,888 96	20,047 27	453,936 23	69.9	80,557 41	534,493 64	2,225	1,006	853	1,859	83.5	640	
Edmonton.....	572,737 06	355,667 58	24,870 01	380,537 59	66.4	113,319 88	493,857 47	2,885	1,338	1,211	2,549	88.3	1,114	
Prince Albert.....	316,589 93	263,024 25	10,777 09	273,801 34	86.5	59,525 23	333,326 57	1,395	875	453	1,308	93.8	561	
Saskatoon.....	481,654 07	376,702 06	37,073 28	413,775 34	85.9	78,207 07	491,982 41	1,713	1,035	591	1,626	94.9	461	
Regina.....	426,480 77	330,737 34	34,608 06	365,345 40	85.7	58,496 22	423,841 62	1,677	922	661	1,583	94.4	268	
Winnipeg.....	508,783 00	292,149 42	37,329 87	329,479 29	64.7	55,935 69	385,414 98	2,160	672	1,056	1,728	80.0	249	
Toronto.....	330,159 74	269,655 53	10,459 72	280,115 25	84.8	128,236 94	408,352 19	1,391	942	358	1,300	93.4	242	
Ottawa.....	12,824 84	10,083 54	538 75	10,622 29	82.8	8,815 11	19,437 40	65	38	23	61	93.8	11	
Sherbrooke.....	64,247 72	31,016 48	3,811 21	34,827 69	54.2	25,039 27	59,866 96	252	87	132	219	86.9	62	
Maritime Provinces.....	193,582 38	120,981 29	4,614 75	125,596 04	64.9	59,322 11	184,918 15	1,061	495	489	984	92.7	337	
Dominion Total.....	4,101,661 93	2,778,631 00	205,166 05	2,983,797 05	72.7	802,168 66	3,785,965 71	17,281	8,439	6,920	15,359	88.9	4,541	

SUMMARY

Of the 17,281 settlers with payments due 8,439 or 48.8% paid in Full.
Of the 17,281 settlers with payments due 6,920 or 40.0% paid in Part.

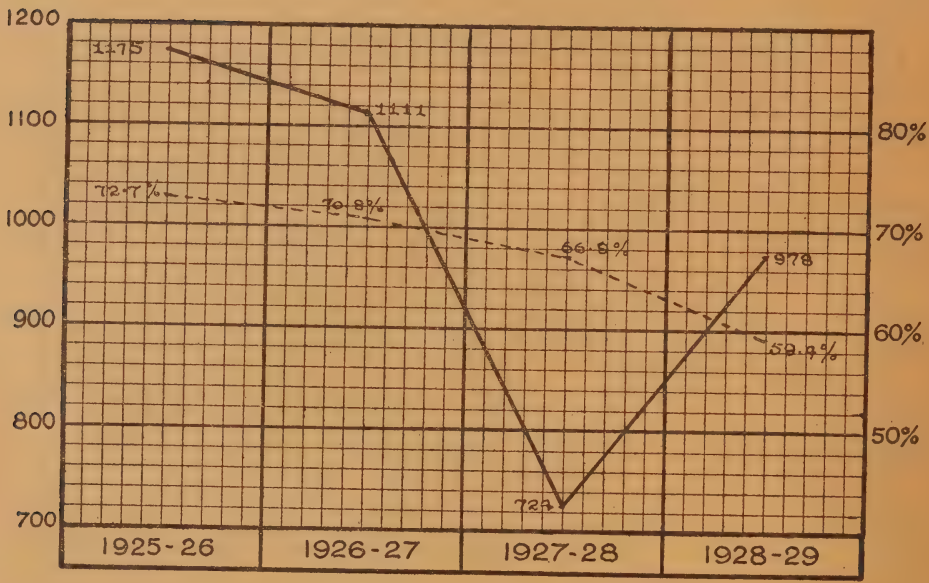
C. W. CAVERS,
Director of Information and Statistics.

Appendix No. 25

LEGEND

BY COLLECTION YEARS ~JULY 1 -JUNE 30 (12 MONTHS)

— FORECLOSURE OF SOLDIER SETTLERS
- - - PERCENTAGE OF DUE PAYMENTS MADE



DUE PAYMENTS MADE TO MARCH 31ST EACH YEAR

1926..	61.04%
1927..	60.8%
1928..	59.8%
1929..	47.3%
1930..	43.5%

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Canada Pension and Returned Soldiers
Special Committee, 1930

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SESSION 1930

HOUSE OF COMMONS

SPECIAL COMMITTEE



ON

PENSIONS AND RETURNED SOLDIERS' PROBLEMS

MINUTES OF PROCEEDINGS AND SEVENTH REPORT

No. 17—MAY 20th to MAY 23rd, 1930

SEVENTH REPORT *Re* SOLDIER SETTLEMENT
ON LAND

APPENDIX No. 26—Resolution Submitted to Committee.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

COMMITTEE ROOM 368,

TUESDAY, May 20, 1930.

The Sub-Committee to whom was referred by resolution of the Special Committee on Pensions and Returned Soldiers' Problems, matters pertaining to soldier settlement on land, met at 11 o'clock, a.m., the Chairman, Mr. Speakman, presiding.

Members present: Messrs. Barber, Gershaw, McLean (Melfort), McPherson, Speakman, Stirling, and Stewart (Edmonton West).

The Committee proceeded *in camera* to consider the recommendations contained in the reports of the Canadian Legion's Special Committee on Land Settlement; also Mr. R. A. Payne's Report on the British Columbia situation with respect to soldier settlers on land; and also a statement with respect to Superannuation and permanency of Staff of the Soldier Settlement Board.

The Committee at 12 o'clock noon adjourned until Wednesday at 11 a.m.

WEDNESDAY, MAY 21st, 1930.

The Sub-Committee on Soldiers' Land Settlement met at 11 o'clock a.m., the Chairman, Mr. Speakman, presiding.

Members present: Messrs. Barber, Gershaw, McLean (Melfort), McPherson, Speakman, and Stewart (Edmonton West).

The Committee *in camera* proceeded to consider matters relating to the indebtedness of soldier settlers on land and certain re-adjustment suggestions relating thereto.

At one o'clock the Sub-Committee rose to meet again at four o'clock.

AFTERNOON SITTING

The Committee met at 4 o'clock, the Chairman, Mr. Speakman, presiding.

Members present: Messrs. Barber, Gershaw, McLean (Melfort), Speakman, and Stewart (Edmonton West).

The Committee *in camera* proceeded to consider matters relating to soldier settlement on land with respect to foreclosures, extension of appeals, remission of certain indebtedness, etc.

The Committee at six o'clock adjourned until to-morrow at 11 a.m.

SPECIAL COMMITTEE

HOUSE OF COMMONS,

COMMITTEE ROOM 368,

THURSDAY, May 22, 1930.

The Sub-Committee on Soldiers' Land Settlement met at 11 o'clock a.m., the Chairman, Mr. Speakman, presiding.

Members present: Messrs. Barber, Gershaw, McPherson, McLean (Melfort), Speakman, and Stewart (Edmonton West).

The Committee *in camera* proceeded to consider the time limit within which any soldier settler may lodge an appeal; contracts between a soldier settler and the Soldier Settlement Board relating to disputes which may arise.

At one o'clock, the Committee rose to meet again at four o'clock.

AFTERNOON SITTING

The Sub-Committee met at 4 o'clock, the Chairman, Mr. Speakman, presiding.

Members present: Messrs. Barber, Gershaw, McLean (Melfort), McPherson, Speakman, Stewart (Edmonton West), and Stirling.

In attendance: Col. J. G. Rattray and Mr. T. B. Mallace.

The Committee *in camera* proceeded to consider the questions of land re-valuation, purchase price of land, stock and equipment with respect to the soldier settler on land, and cost of administration in relation thereto.

The Committee at six o'clock had agreed upon the recommendations to be presented to the main Committee at to-morrow's sitting of the latter.

HOUSE OF COMMONS,

COMMITTEE ROOM, 368,

TUESDAY, May 20, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 12 o'clock r. the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Arthurs, Fiset (Sir Eugene), Gershaw, Hepburn, Isley, McGibbon, MacLaren, McPherson, McLean (Melfort), Manion, Power, Ross (Kingston), Speakman, and Thorson—15.

Honourable Senators present: Messrs. Béland, Gillis, Griesbach, Lewis, MacArthur, White (Pembroke).

Hon. C. A. Stewart, Acting Minister of Immigration and Colonization, was also present.

The committee proceeded to consider the evidence given before the sub-committee with respect to matters pertaining to soldier settlement on land; also the statement of the Soldier Settlement Board, which is set forth at page 550 of the committee's printed proceedings.

The recommendations contained in the reports of the Canadian Legion's Special Committee (Appendix 18 of the printed proceedings) and the Memorandum with respect to Superannuation and Permanency of Staff of Soldier Settlement Board (Appendix 22) were further considered.

The committee at one o'clock adjourned until call of the chair.

FRIDAY, May 23, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems met at 4 o'clock p.m., the Chairman, Mr. Power, presiding.

Members present: Messrs. Adshead, Black (Yukon), Gershaw, Hepburn, McIntosh, MacLaren, McLean (Melfort), McPherson, Power and Speakman—10.

Hon. C. A. Stewart, Acting Minister of Immigration and Colonization, was also present.

The committee *in camera* proceeded to consider the report presented by Mr. Speakman, Chairman of the sub-committee on soldier settlement on land. *See* report of sub-committee herein.

The classes of settlers as graded by the Soldier Settlement Board into classes 1, 2, 3 and 4 were considered.

Other submissions of the sub-committee's report were also carefully considered. After discussion, Mr. Speakman, moved that the report of the sub-committee as reconsidered by the committee be adopted and that it be incorporated as such in the Seventh Report to be presented to the House. Motion agreed to.

The committee having considered the report to be presented to the House, it was moved by Mr. Hepburn that the report as read by the chairman be adopted. Motion agreed to.

The committee then adjourned.

SEVENTH REPORT *Re* SOLDIER SETTLEMENT ON LAND

HOUSE OF COMMONS OF CANADA

FRIDAY, May 23, 1930.

The Special Committee on Pensions and Returned Soldiers' Problems beg leave to present the following as their Seventh Report:

Your Committee, in the course of its inquiry into the various matters relating to soldiers' problems, resolved to institute a thorough investigation upon the complex problem of the soldier settler on Land. A sub-Committee, composed of Mr. Speakman as Chairman and of certain members of your Committee with whom were associated two members of the House for deliberative purposes, was appointed by resolution. Valued assistance was given by the two members. The sub-Committee submitted its findings in the form of a report containing recommendations which your Committee has considered at its regular sitting. The said report and recommendations were unanimously agreed to. The sub-Committee's proceedings and the evidence taken by them will be found in Nos. 15 and 16 of the Committee's proceedings which have already been distributed for the information of the House. Hereunder follows the sub-Committee's report which is also submitted to the House to be considered and concurred in:

REPORT OF SUB-COMMITTEE ON SOLDIER LAND SETTLEMENT

Your sub-Committee, to whom was entrusted the task of investigating, and reporting upon the conditions of our soldier settlers, and the problems with which they are faced, together with the duty of suggesting such legislative amendments as might solve these problems, beg leave to report as follows:—

A considerable number of meetings have been held, and we have had with us such witnesses, representatives of the soldier bodies, and members of the Soldier Settlement Board, as might assist in the performance of this difficult and important task. We have also considered the reports of the Committee of the Legion which had carefully investigated this matter, and the suggestions therein contained, and have had full access to all the information in the possession of the Soldier Settlement Board.

As a result of our enquiries and discussions we are of the opinion that a large number of the soldier settlers who are still upon the land cannot hope to succeed unless their burden of indebtedness is reduced in a substantial manner. It is not our purpose at this time to enlarge upon the present position of the soldier settler, the details of which will be found in printed evidence, but rather to present the conclusions to which we have arrived as to the legislative action we believe to be wise and necessary, and which are as follows:—

1. That the time limit within which any soldier settler who has not already appealed and who is dissatisfied with his award on re-valuation may lodge an appeal before the Exchequer Court, be revived and extended to January 1, 1931.

2. That no contract as between a soldier settler and the Soldier Settlement Board as to which a dispute may arise, shall be rescinded, save by order of a District or County Judge, before whom both parties may appear after due notice has been given.

3. That we approve, and recommend the continuance of the practice of advancing small loans for breaking land to settlers upon brush farms who have cleared a reasonable acreage of such land.

4. That the total outstanding indebtedness of all soldier settlers who are still in active occupancy of their farms should be reduced by the amount of 30 per cent (thirty per cent), to take effect upon the last Standard Day, 1929, or, in the case of settlers whose applications for re-valuation have not yet been finally dealt with, immediately after the final award has been given. Provided that in no case the amount of reduction granted shall exceed the total of the debt still owing by the settler to the Board.

5. That all Live-Stock liens held by the Board shall be released, the said live stock to become the absolute property of the settler.

In addition to the problem of the Soldier Settler proper, we have had under advisement memoranda received from the employees of the Soldier Settlement Board, in which they ask to be placed under the jurisdiction of the Civil Service Commission as permanent employees. Your sub-Committee quite recognize the difficulties of their position, but must also recognize the further fact that the number of these employees may be materially reduced in the near future, owing to the transfer to the Western Provinces of their Natural Resources, and the cessation of many of our Colonization activities. We can only suggest, therefore, that the position of these men, most of whom have seen active service, and who have given faithful service while engaged in this work for many years, should be carefully and sympathetically considered by the Government, in the light of the situation which may develop.

ALFRED SPEAKMAN,

Chairman of the Sub-Committee.

Your Committee also recommends that there be printed 2,500 copies in English and 300 copies in French of this report and that they be distributed in the same manner as its day-to-day proceedings. It further recommends that this report be printed as an appendix to the Journals of the House, and in separate blue-book form, 500 copies in the latter form to be printed in English and 200 copies in French, and that Standing Order 64 in relation thereto be suspended.

All of which is respectfully submitted.

CHARLES G. POWER

Chairman.

APPENDIX No. 26

1. (RESOLUTION OF THE ARMSTRONG BRANCH, No. 35, CANADIAN LEGION B.E.S.L.)

Whereas the Ex-service men living in the upper country, when needing treatment, must travel to Vancouver, in some cases hundreds of miles from family and friends, and do not receive pay and allowances until the day they arrive in hospital, and

Whereas there are a large number of chest cases living in the dry belt under the advice of the Department, and when needing treatment, must travel to Vancouver, and take treatment in the climate they have been advised to leave, and

Whereas the Ex-service men needing class two treatment must pay their expenses to and from Vancouver,

Therefore be it resolved, that we the B.C. Provincial Command in convention assembled, do ask the Dominion Command, to petition the Dominion Government, to allow all Ex-service men and women to have the preference of taking treatment in their own local hospitals.

2. (RESOLUTIONS OF THE UNITED FARMERS OF ALBERTA, PASSED AT THEIR ANNUAL CONVENTION IN JANUARY, 1930)

(1) *Soldier Settlers*.—Whereas, regarding soldier settlers, in by far the greater percentage of cases the contract of the settler with the Soldier Settlement Board cannot possibly be carried out, and

Whereas, the failure to carry out the contract will result in the majority of soldier settlers being forced off their farms and homes;

Therefore be it resolved, that this Convention request the Dominion Government to put into effect the following changes in the Soldier Settlement Act:

- (1) All loans to be non-interest bearing;
- (2) That all annual payments shall be on the $\frac{1}{3}$ crop share basis;
- (3) That absolute security of tenure be guaranteed so long as the above conditions are complied with.

Be it further resolved that provision also be made for re-instatement of Soldier Settlers on land they have abandoned or on lands still held by the Board.

(2) *Soldier Settler Loan*.—Whereas, the majority of settlers under the Soldier Settlement Board scheme located in brush country, find difficulty in meeting their annual payments;

Therefore be it resolved, that the Federal Government be asked to grant a loan for the purpose of getting sufficient land under cultivation, so that the settler would be able to support himself on his farm, and meet his obligations.



